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No. 34] NEW DELHI, AUGUST 16—AUGUST 22, 2009, SATURDAY/SRAVANA 25—SRAVANA 31, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 6 अगस्त, 2009

का.आ. 2253.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और गृह मंत्रालय की अधिसूचना सं. का.आ. 2863, तारीख 2 सितम्बर, 2002 को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रांत से पहले किया गया है या करने का लोप किया गया है, नीचे सारणी के स्तम्भ (1) में वर्णित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में की तत्स्थानी प्रविष्टियों में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी-अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
1. ग्रुप कमांडर 52 विशेष कार्रवाई ग्रुप, समालखा	समालखा स्थित राष्ट्रीय सुरक्षा गार्ड परिसर
2. ग्रुप कमांडर (प्रशासन) निदेशालय, राष्ट्रीय सुरक्षा गार्ड, मेहराम नगर, पालम, नई दिल्ली	पालम और आई.जी.आई. एयरपोर्ट के समीप समालखा रोड पर स्थित राष्ट्रीय सुरक्षा गार्ड परिसर
3. ग्रुप कमांडर (गैरिसन) स्टेशन मुख्यालय, मानेसर	मानेसर जिला गुडगांव स्थित राष्ट्रीय सुरक्षा गार्ड परिसर

[फा. सं. एल-3001/13/2008/रा.सु.गा.]

वरुण कुमार साहु, निदेशक (कार्मिक)

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th August, 2009

S.O. 2253.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Ministry of Home Affairs S. O. No. 2863 dated the 2nd September, 2002, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the table below, being the officers equivalent to the rank of Gazetted Officers of the Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers, by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column (2) of the said table.

TABLE

	Designation of the officer	Categories of public premises and local limits of jurisdiction
1.	Group Commander, 52 Special Action Group, Samalkha	National Security Guard premises at Samalkha.
2.	Group Commander (Administration), Directorate, National Security Guard, Mehram Nagar, Palam, New Delhi	National Security Guard premises at Palam and near IGI Airport on Samalkha Road.
3.	Group Commander (Garrison), Station Headquarters, Manesar	National Security Guard premises at Manesar, District Gurgaon.

[F. No. L 3001/13/2008/NSG]

BARUN KUMAR SAHU, Director (Pers.)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद तथा सीमा शुल्क के आयुक्त का कार्यालय)

नासिक, 5 अगस्त, 2009

सं. 01/2009-सीमा शुल्क (एन.टी.) नासिक

का.आ. 2254.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा शुल्क अधिनियम के खण्ड की धारा 152 के अन्तर्गत जारी यथा संशोधित अधिसूचना सं. 33/94 सीमा शुल्क (एन टी), दिनांक 1 जुलाई, 1994 में प्रदत्त शक्तियों के अनुसरण में, मैं एतद्वारा महाराष्ट्र राज्य के ग्राम-एकलहरा, तहसील एवं जिला नासिक-422105 के अधिकार क्षेत्र को सीमा शुल्क अधिनियम, 1962 (52 का 1962) की धारा 9 के तहत केवल 100% निर्यात नीतिगत इकाई की कार्य-प्रणाली के लिए भंडारण स्टेशन घोषित करता हूँ।

[फा. सं. बी (जन) 27-147/टीबी/2009]

इन्द्र प्रकाश लाल, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS)

Nashik, the 5th August, 2009

No. 01/2009-Cus. (N.T.) Nashik

S.O. 2254.—In exercise of the powers conferred by Notification No. 33/94 - CUS (N.T.), dated the 1st July, 1994 as amended of the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of Customs Act, 1962, I hereby declare the limit of village Eklahara, Taluka and District-Nasik -422105 in the State of Maharashtra to be a Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for the purpose of functioning of 100% Export Oriented Undertaking only.

[F. No.V(Gen.)27-147/TB/2009]

I. P. LAL, Commissioner

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 11 अगस्त, 2009

का.आ. 2255.—स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चण्डीगढ़, अधिनियम, 1966 (1966 का 51) की धारा 5 के खण्ड (छ) के अनुसरण में लोक सभा के सदस्यों श्री विजय इंदर सिंगला तथा श्री अनुराग सिंही ठाकुर को स्नातकोत्तर चिकित्सा शिक्षा और अनुसंधान संस्थान, चण्डीगढ़ के सदस्यों के रूप में कार्य करने के लिए 16 जुलाई, 2009 को लोक सभा द्वारा विधिवत रूप से निर्वाचित किया गया है बशर्ते कि वे स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चण्डीगढ़ अधिनियम, 1966 के उपबंधों का पालन करते हों।

[सं. वी. 17011/1/2006-एम. ई.-II]

अशोक परमार, निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 11th August, 2009

S.O. 2255.— In pursuance of clause (g) of section 5 of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act 1966 (51 of 1966) Shri Vijay Inder Singla and Shri Anurag Singh Thakur, Members of Lok Sabha (House of People) have been duly elected on 16th July, 2009 by the Lok Sabha to serve as members of the Post-Graduate Institute of Medical Education and Research, Chandigarh subject to the fulfillment of the provisions of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act, 1966.

[F. No.V.17011/1/2006-M.E. II]

ASHOK PARMAR, Director

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2256.—भारतीय चिकित्सा अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) (ख) के उपबंध के अनुसरण में डॉ. एल.सी. शर्मा को 28-3-2007 से राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर का प्रतिनिधित्व कर रही भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया गया था।

भारतीय आयुर्विज्ञान परिषद् के सदस्य के पद से उनका त्यागपत्र स्वीकार कर लिए जाने के परिणामस्वरूप, डॉ. एल. सी. शर्मा को राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर का प्रतिनिधित्व कर रही भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

इसलिए, अब उक्त अधिनियम की धारा 7 की उप-धारा (3) के उपबंध के अनुसरण में, डॉ. एल. सी. शर्मा 8 अगस्त, 2009 से परिषद् में अपना पद खाली कर देंगे।

[फा. सं. वी 11013/3/2007-एम. ई. (नीति 1)]

आर. शंकरन, अवर सचिव

(Department of Health)

New Delhi, the 13th August, 2009

S.O. 2256.— Whereas in pursuance of the provision of sub-section (1) (b) of section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. L.C. Sharma was elected as a member of the Medical Council of India representing Rajasthan University of Health Sciences, Jaipur with effect from 28-03-2007.

Consequent upon his resignation from the post of Member, MCI, Dr. L.C. Sharma has ceased to be a member of Medical Council of India representing Rajasthan University of Health Sciences, Jaipur.

Now, therefore, in pursuance of the provision of sub section (3) of Section 7 of the said Act, Dr. L.C. Sharma shall vacate his seat in the Council with effect from 8th August 2009.

[F. No.V.11013/3/2007-M.E (Policy I)]

R. SANKARAN, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2. — भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (ग) के अनुसरण में केन्द्र सरकार ने राजस्थान के पंजीकृत चिकित्सा स्नातक चुनाव क्षेत्र से चुनाव करवाया है जिसके तहत डॉ. लक्ष्मी चंद शर्मा आचार्य एवं अध्यक्ष, वृक्क विज्ञान विभाग, एसएमएस मेडिकल कॉलेज एवं हास्पिटल, जयपुर को 8 अगस्त, 2009 से भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना का.आ. संख्या 138 में एतद्वारा निम्नलिखित और संशोधित करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उप-धारा (1) के खण्ड (ग) के” अंतर्गत निर्वाचित शीर्षक के नीचे क्रम संख्या 13 के बाद निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

“13. डॉ. लक्ष्मी चंद शर्मा, आचार्य एवं अध्यक्ष,
वृक्क विज्ञान विभाग, एसएमएस मेडिकल कालेज
एवं हास्पिटल, जयपुर”

[फा. सं. वी 11013/3/2007-एम. ई. (नीति-1)]

आर. शंकरन, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2257.— Whereas the Central Government in pursuance of clause (c) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) has conducted the election from the Registered Medical Graduate Constituency of Rajasthan wherefrom Dr. Laxmi Chand Sharma, Professor & Head of the Department of Nephrology, SMS Medical College & Hospital, Jaipur has been elected to be a member of the Medical Council of India with effect from 08th August 2009.

Now, therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely:

In the said notification, under the heading, ‘Elected under clause (c) of subsection (1) of section 3’, after serial No. 13, the following entries shall be added, namely :—

“13. Dr. Laxmi Chand Sharma
Professor & Head of the
Department of Nephrology
SMS Medical College & Hospital
Jaipur”

[F. No. V.11013/3/2007-M.E (Policy-1)]

R. SANKARAN, Under Secy.

नई दिल्ली, 11 अगस्त, 2009

का.आ. 2258.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में और पश्चिम बंगाल सरकार से परामर्श करने के बाद प्रोफेसर इन्द्रजीत रे, प्रोफेसर-कुलपति, पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता का 8 अगस्त, 2009 से पांच वर्षों के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उप-धारा (1) के खण्ड (क) के अधीन मनोनीत” शीर्षक के अंतर्गत क्रम संख्या 10 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“10. प्रो. इन्द्रजीत रे,
प्रोफेसर-कुलपति,
पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता
पश्चिम बंगाल सरकार”

[फा. सं. वी 11013/9/2009-एम. ई. (नीति-1)]

आर. शंकरन, अवर सचिव

New Delhi, the 11th August, 2009

S.O. 2258.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of West Bengal have nominated Prof. Indrajit Ray, Pro-Vice-Chancellor, West Bengal University of Health Sciences, Kolkata to be a member of the Medical Council of India for five years with effect from 8th August 2009.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health Number S.O. 138 dated the 9th January, 1960, namely :—

In the said Notification, under the heading, “Nominated under clause (a) of sub-section (1) of Section 3”, for serial number 10 and the entries thereto, the following entries shall be substituted, namely :—

- “10. Prof. Indrajit Ray
Pro- Vice-Chancellor West Bengal
University of Health Sciences, Kolkata
Government of West Bengal”

[F. No.V.11013/9/2009-M.E (Policy-I)]

R. SANKARAN, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 7 अगस्त, 2009

का.आ. 2259.—सार्वजनिक स्थल (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, एतद्वारा नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.) के अधिकारियों श्री एम.के. शुक्ला, वरिष्ठ प्रबंधक (मानव संसाधन-विधि), सुश्री मंजुला सेनगुप्ता, उप प्रबंधक (मानव संसाधन) तथा श्री राजेन्द्र कुमार तिवारी, प्रबंधक (राहत एवं पुनर्वास) की भारत सरकार के राजपत्रित अधिकारी के समतुल्य पद पर नियुक्ति करती है और इस उद्देश्य से विद्युत मंत्रालय के दिनांक 27 मार्च, 2002 के संख्या का.आ. 1257 की भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है, नामतः :

उक्त अधिसूचना में, तालिका में क्रम सं. 2, 5 और 6 तथा उनसे संबंधित प्रविष्टियों में निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः :

- “2. श्री एम.के. शुक्ला वरिष्ठ प्रबंधक
(मानव संसाधन-विधि), नेशनल
(थर्मल पावर कारपोरेशन लिमिटेड
(एनटीपीसी लिमिटेड), सीएम एवं
सीडब्ल्यू।

नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित तथा इसके पावर मैनेजमेंट इंस्टीट्यूट, प्लॉट सं. 5-14, सेक्टर 16-ए, नौएडा-201 301 जिला गौतम बुद्ध नगर (उत्तर प्रदेश) के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल।

कारपोरेट सेंटर, ईओसी, नौएडा इंजीनियरिंग ऑफिस काम्प्लेक्स, प्लॉट नं. ए-8ए, सेक्टर-24, नौएडा-201 301, जिला गौतम बुद्ध नगर (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

रिसर्च एंड डेवलपमेंट काम्प्लेक्स, आर एंड डी बिल्डिंग, ए-8ए, सेक्टर-24, नौएडा-201 301, जिला गौतम बुद्ध नगर (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

कारपोरेट सेंटर, पीडीआईएल बिल्डिंग, प्लॉट नं. ए-14, सेक्टर-1, नौएडा-201 301, जिला गौतम बुद्ध नगर (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

कारपोरेट सेंटर, एनएफएल बिल्डिंग, प्लॉट नं. ए-11, एनएफएल परिसर, सेक्टर-24, नौएडा-201 301, जिला गौतम बुद्ध नगर (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

एनर्जी टेक्नोलॉजी, प्लॉट नं. 3, ब्लॉक नं. 3, सेक्टर-इकोटेक-11, उद्योग विहार, दुर्गा टॉकिज के पीछे, ग्रेटर नौएडा (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

हाइड्रो रीजन हैड क्वार्टर्स, 5वां तल, कृष्णको बिल्डिंग, सेक्टर-1, नौएडा-201 301, जिला गौतम बुद्ध नगर (उत्तर प्रदेश) में नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित सभी स्थल।

5. श्रीमती मंजुला सेनगुप्ता, उप प्रबंधक (मानव संसाधन), नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड), फरीदाबाद। नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) से संबंधित या इसके द्वारा पट्टे पर लिए गए और इसकी एनटीपीसी लि., फरीदाबाद परियोजना के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल।
6. श्री राजेन्द्र कुमार तिवारी, प्रबंधक (राहत एवं पुनर्वास), नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड), कोलडैम जल विद्युत परियोजना, डाकघर-बरमाना-174 013, जिला बिलासपुर, हिमाचल प्रदेश। नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) के स्वामित्व के अथवा इससे संबंधित या इसके द्वारा पट्टे पर लिए गए तथा इसकी कोलडैम जल विद्युत परियोजना, डाकघर-बरमाना-174 013, जिला बिलासपुर, हिमाचल प्रदेश के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल।"

[फा.सं. 8/6/1992-धर्मल-1]

आई. सी. पी. केशरी, संयुक्त सचिव

टिप्पणी :—मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1257, दिनांक 27 मार्च, 2002 के द्वारा प्रकाशित की गई थी और इसके पश्चात् अधिसूचना संख्या का.आ. 3122, दिनांक 29 नवम्बर, 2004, संख्या का.आ. 1915, दिनांक 15 मई, 2006 (कोलडैम जल विद्युत परियोजना हेतु) और संख्या का.आ. 467, दिनांक 1 फरवरी, 2007 [फरीदाबाद परियोजना हेतु] के द्वारा संशोधित की गई थी।

MINISTRY OF POWER

New Delhi, the 7th August, 2009

S.O. 2259.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri M.K. Shukla, Senior Manager (Human Resources-Law), Ms. Manjula Sengupta, Deputy Manager (Human Resources) and Shri Rajendra Kumar Tiwari, Manager (Relief and Rehabilitation), officers of the National Thermal Power Corporation Limited (NTPC Limited) equivalent to the rank of Gazetted Officer of the Government of India and for that purpose makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1257, dated 27th March, 2002, namely :—

In the said notification, in the Table, for serial numbers 2, 5 and 6 and the entries relating thereto, the following shall be substituted, namely :—

"2. Shri M.K. Shukla, Senior Manager (Human Resources-Law), National Thermal Power Corporation Limited (NTPC Limited), CM and CW.

All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) and under the Administrative Control of its office at Power Management Institute, Plot No. 5-14, Sector-16A, NOIDA-201 301, District Gautam Budh Nagar (Uttar Pradesh).

All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at Corporate Centre, EOC, NOIDA Engineering Office Complex, Plot No. A-8A, Sector-24, NOIDA-201 301, District Gautam Budh Nagar (Uttar Pradesh).

All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at Research and Development Complex, R and D Building, A-8A, Sector-24, NOIDA-201 301, District Gautam Budh Nagar (Uttar Pradesh).

All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at Corporate Centre, PDIL Building, Plot No.A-14, Sector-1, NOIDA-201 301, District Gautam Budh Nagar (Uttar Pradesh).

All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at Corporate Centre, NFL Building, Plot No.A-11, NFL Premises, Sector-24, NOIDA-201 301, District Gautam Budh Nagar (Uttar Pradesh).

- All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at Energy Technologies, Plot No. 3, Block No. 3, Sector -ECOTECH-II, Udyog Vihar, Behind Durga Talkies, Greater Noida (Uttar Pradesh).
- All premises belonging to National Thermal Power Corporation Limited (NTPC Limited) at HYDRO REGION HEADQUARTERS, 5th Floor, KRIBHCO Building, Sector-I, NOIDA-201301, District Gautam Budh Nagar (Uttar Pradesh) and
5. Ms. Manjula Sengupta, Deputy Manager (Human Resources), National Thermal Power Corporation Limited (NTPC Limited), Faridabad
- All premises belonging to or taken on lease by National Thermal Power Corporation Limited (NTPC Limited) and under the administrative control of its NTPC Limited, Faridabad Project and
6. Shri Rajendra Kumar Tiwari, Manager (Relief and Rehabilitation), National Thermal Power Corporation Limited (NTPC Limited), Koldam Hydro Power Project, P.O.: Barmana-174013, District-Bilaspur, Himachal Pradesh.
- All premises owned or belonging to or taken on lease by National Thermal Power Corporation Limited (NTPC Limited) and under the administrative control of its Koldam Hydro Power Project, P.O.: Barmana-174013, District-Bilaspur, Himachal Pradesh."

[F. No. 8/6/1992-TH-I]

I. C. P. KESHARI, Jr. Secy.

Note:—The principal notification was published in the Gazette of India *vide* number S.O. 1257, dated the 27th March, 2002 and subsequently amended *vide* number S.O. 3122, dated the 29th November, 2004, number S.O. 1915, dated the 15th May, 2006 [for Koldam Hydro Power Project] and *vide* number S.O. 467, dated the 1st February, 2007 [for Faridabad Project].

नई दिल्ली, 7 अगस्त, 2009

का.आ. 2260.—सार्वजनिक स्थल (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.), एक सांविधिक निगम के और भारत सरकार के राजपत्रित अधिकारी के पद के समतुल्य, नीचे दी गई तालिका के कॉलम (1) में वर्णित अधिकारी को इस अधिनियम के उद्देश्य से संपदा अधिकारी के रूप में नियुक्त करती है जो इस अधिनियम के द्वारा अथवा इसके अंतर्गत दी गई संपदा अधिकारी की शक्तियों का प्रयोग तथा सौंपे गए कर्तव्यों का निष्पादन उक्त तालिका के कॉलम (2) की तदनु रूप प्रविष्टि में विनिर्दिष्ट, सार्वजनिक स्थलों की श्रेणियों से संबंधित क्षेत्राधिकार की स्थानीय सीमाओं के भीतर करेगा :—

तालिका

क्रम सं.	अधिकारी का नाम एवं पदनाम	सार्वजनिक स्थलों की श्रेणियों तथा क्षेत्राधिकार की स्थानीय सीमाएं
1	2	3
1.	श्री राजीव नन्दन, वरिष्ठ प्रबंधक (खनन), नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड), पाकड़ी बरवाडीह कोयला खनन परियोजना, नवाबगंज, हजारीबाग, झारखंड	नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.) के स्वामित्व के अथवा इससे संबंधित या इसके द्वारा पट्टे पर लिए गए और इसकी पाकड़ी बरवाडीह कोयला खनन परियोजना, नवाबगंज, हजारीबाग, झारखंड के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल।

[फा. सं. 8/6/1992-थर्मल-1]

आई. सी. पी. केशरी, संयुक्त सचिव

New Delhi, the 7th August, 2009

S.O. 2260.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below being officer of the National Thermal Power Corporation Limited (NTPC Ltd.), a statutory corporation and equivalent to the rank of Gazetted Officer of the Government of India, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officer by or under the said Act, within the local limits of jurisdictions in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table :—

TABLE

Sl. No.	Name and designation of the officer	Categories of public premises and local limits of jurisdiction
1	2	3
1.	Shri Rajeev Nandan, Senior Manager (Mining), National Thermal Power Corporation Limited (NTPC Limited) Pakri Barwadih Coal Mining Project, Nawabganj, Hazaribagh, Jharkhand.	All premises owned or belonging to or taken on lease by National Thermal Power Corporation Limited (NTPC Limited) and under the administrative control of its Pakri Barwadih Coal Mining Project, Nawabganj, Hazaribagh, Jharkhand.

[F. No. 8/6/1992-TH-I]

I. C. P. MESHARI, Jt. Secy.

नई दिल्ली, 7 अगस्त, 2009

का.आ. 2261.—सार्वजनिक स्थल (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.), के अधिकारी श्री अजय कुमार सिन्हा, वरिष्ठ प्रबंधक (मानव संसाधन) को भारत सरकार के राजपत्रित अधिकारी के समतुल्य पद पर सम्मदा अधिकारी नियुक्त करती है और इस उद्देश्य से विद्युत मंत्रालय के दिनांक 27 जनवरी, 2001 के संख्या का.आ. 128 की भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में, तालिका में क्रम सं. 2 तथा उससे संबंधित प्रविष्टियों में निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः—

"2.	श्री अजय कुमार सिन्हा, वरिष्ठ प्रबंधक (मानव संसाधन), नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड), रिहन्द सुपर ताप विद्युत परियोजना, डाकघर रिहन्द नगर-231223, जिला-सोनभद्र (उत्तर प्रदेश)	नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.) से संबंधित अथवा इसके द्वारा पट्टे पर लिए गए तथा इसकी रिहन्द सुपर ताप विद्युत परियोजना, डाकघर रिहन्द नगर-231223 जिला-सोनभद्र (उत्तर प्रदेश) के प्रशासनिक निबंधन के अन्तर्गत सभी स्थल।"
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[फा. सं. 8/6/1992-थर्मल-1]

आई. सी. पी. केशरी, संयुक्त सचिव

टिप्पणी :—मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 128, दिनांक 27 जनवरी, 2001 के द्वारा प्रकाशित की गई थी और अधिसूचना सं. का.आ. 1912, दिनांक 15 मई, 2006 के द्वारा पिछला संशोधन किया गया था।

New Delhi, the 7th August, 2009

S.O. 2261.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri Ajay Kumar Sinha, Senior Manager (Human Resources), officer of National Thermal Power Corporation (NTPC Limited), equivalent to the rank of Gazetted Officer in the Government of India, to be Estate Officer and for that purpose makes the following further amendments in the notification of the Government of India in the Ministry of Power number S.O. 128, dated the 27th January, 2001.

In the said notification, in the Table, for serial number 2 and the entries relating thereto, the following shall be substituted, namely :—

"2.	Shri Ajay Kumar Sinha, Senior Manager (Human Resource), National Thermal Power Corporation Limited (NTPC Limited) Rihand Super Thermal Power Project, P.O. Rihand Nagar-231223, Distt.-Sonebhadra (U.P.)	All premises belonging to or taken on lease by National Thermal Power Corporation Limited (NTPC Limited) and under the administrative Control of its Rihand Super Thermal Power Project, P.O. Rihand Nagar-231223, Distt. Sonebhadra (U.P.)"
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[F. No. 8/6/1992-TH-I]

I. C. P. KESHARI, Jt. Secy.

Note :—The principal notification was published in the Gazette of India vide number S.O. 128, dated the 27th January, 2001 and last amended vide notification number S.O. 1912, dated the 15th May, 2006.

नई दिल्ली, 7 अगस्त, 2009

का.आ. 2262.—सार्वजनिक स्थल (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.), के अधिकारियों श्री खलील अहमद, उप प्रबंधक (सिविल) तथा श्री एम. प्रतिहस्त, प्रबंधक (मानव संसाधन) को भारत सरकार के राजपत्रित अधिकारी के समतुल्य पद पर सम्पदा अधिकारी नियुक्त करती है और इस उद्देश्य से विद्युत मंत्रालय के दिनांक 8 जुलाई, 1993 के संख्या का.आ. 1590 की भारत सरकार की अधिसूचना में निम्नलिखित अगले संशोधन करती है, नामतः

उक्त अधिसूचना में, तालिका में क्रम सं. 1 और 5 तथा उनसे संबंधित प्रविष्टियों में निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः

“1.	श्री खलील अहमद, उप प्रबंधक (सिविल), नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड), कवास गैस विद्युत परियोजना, आदित्य नगर, चौरासी प्रान्त जिला सूरत, गुजरात	नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.) से संबंधित अथवा इसके द्वारा पट्टे पर लिए गए तथा इसकी कवास गैस विद्युत परियोजना, आदित्य नगर, चौरासी प्रान्त, जिला-सूरत, गुजरात, पिन-394516 के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल तथा
5.	श्री एम. प्रतिहस्त, प्रबंधक (मानव संसाधन) फिरोज गांधी ऊंचाहार ताप विद्युत परियोजना नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लिमिटेड) डाकघर-ऊंचाहार जिला-रायबरेली, उत्तर प्रदेश-229406	नेशनल थर्मल पावर कारपोरेशन लिमिटेड (एनटीपीसी लि.) से संबंधित या इसके द्वारा पट्टे पर लिए गए और डाकघर-ऊंचाहार, जिला रायबरेली, उत्तर प्रदेश-229406 स्थित इसकी फिरोज गांधी ऊंचाहार ताप विद्युत परियोजना के प्रशासनिक नियंत्रण के अंतर्गत सभी स्थल।”

[फा. सं. 8/6/1992-थर्मल-1]

आई. सी. पी. केशरी, संयुक्त सचिव

टिप्पणी :—मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1590, दिनांक 8 जुलाई, 1993 के द्वारा प्रकाशित की गई थी और इसके पश्चात् अधिसूचना संख्या का.आ. 3203, दिनांक 22 अक्टूबर, 1996, (फिरोज गांधी ऊंचाहार ताप विद्युत परियोजना हेतु) और संख्या का.आ. 1589, दिनांक 18 मई, 2007 (कवास गैस विद्युत परियोजना हेतु) के द्वारा संशोधित की गई थी।

New Delhi, the 7th August, 2009

S.O. 2262.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri Khalil Ahmed, Deputy Manager (Civil) and Shri M. Pratihast, Manager (Human Resources), officers of the National Thermal Power Corporation Limited (NTPC Limited) equivalent to the rank of Gazetted Officer of the Government of India, to be estate officer and for that purpose makes the following further amendments in the notification of the Government of India in the Ministry of Power Number S.O. 1590, dated the 8th July, 1993, namely :—

In the said notification, in the Table, for serial numbers 1 and 5 and the entries relating thereto, the following shall be substituted, namely :—

“1.	Shri Khalil Ahmed, Deputy Manager (Civil), National Thermal Power Corporation Limited (NTPC Limited), Kawas Gas Power Project, Aditya Nagar, Choryasiprant, District Surat, Gujarat.	All premises belonging to, or taken on lease by National Thermal Power Corporation Limited (NTPC Limited) and under the administrative control of its Kawas Gas Power Project at Aditya Nagar, Choryasiprant, District-Surat, Gujarat, PIN:394 516 and
5.	Shri M. Pratihast, Manager (Human Resources), Feroz Gandhi Unchahar Thermal Power Project, National Thermal Power Corporation Limited (NTPC Limited), P.O. Unchahar, District- Raebareli, Uttar Pradesh-229406	All premises belonging to or taken on lease by the National Thermal Power Corporation Limited (NTPC Limited) and under the administrative control of its Feroz Gandhi Unchahar Thermal Power Project located at Post Office Unchahar, District Raebareli, Uttar Pradesh - 229406.”

[F. No. 8/6/1992-TH. I]

I. C. P. KESHARI, Jt. Secy.

Note : The principal notification was published vide Number S.O. 1590, dated the 8th July, 1993 and subsequently amended vide Number S.O. 3203, dated the 22nd October, 1996. (for Feroz Gandhi Unchahar Thermal Power Project) and vide Number S.O. 1589, dated the 18th May, 2007 (for Kawas Gas Power Project).

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 11 अगस्त, 2009

का.आ. 2263.—केन्द्रीय सरकार, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय रोपण फसल अनुसंधान संस्थान, कासरगोड, केरल के क्षेत्रीय केन्द्र, मोहित नगर, जलपाईगुड़ी (प. बंगाल) को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[फा. सं. 13-10/2009-हिन्दी/183]

अलका आहुजा, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research & Education)

New Delhi, the 11th August, 2009

S.O. 2263.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the Regional Centre, Mohit Nagar, Jalpaiguri (West Bengal) of Central Plantation Crops Research Institute (CPCRI), Kasaragod, Kerala where more than 80% of staff have acquired the working knowledge of Hindi.

[F. No. 13-10/2009-HINDI/183]

ALKA AHUJA, Under Secy.

उपोभक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपोभक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 6 अगस्त, 2009

का.आ. 2264.—भारतीय मानक ब्यूरो नियम 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 9912 : 2008-लोहे अथवा इस्पात की पाइपलाइनों के संरक्षण के लिए कोलतार आधारित लेपन सामग्री और प्राइमर- विशिष्ट (पहला पुनरीक्षण)	कुछ नहीं	अक्तूबर, 2008
2.	आईएस 15808 : 2008-खड्जा निर्माण में उपयोग के लिए बहु-ग्रेड के डामर - विशिष्ट	कुछ नहीं	अक्तूबर, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाहजफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जो-7(गजट)]

डॉ. (श्रीमती) विजय मलिक, निदेशक एवं प्रमुख (पीसीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 6th August, 2009

S.O. 2264.—In pursuance of clause (b) of sub-rule (1) of rule, 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year and Title of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 9912 : 2008 Coal Tar Based Coating Material and Primers for Protecting Iron or Steel Pipelines-Specification	None	October, 2008
2.	IS 15808 : 2008 Multi-Grade Bitumen for use in Pavement Construction-Specification	None	October, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: PCD/G-7 (Gazette)]

Dr. (Smt.) VIJAY MALIK, Director and Head (PCD)

नई दिल्ली, 6 अगस्त, 2009

का.आ. 2265.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गये हैं :

अनुसूची

क्र. सं.	लाइसेंस संख्या	लाइसेंस मंजूरी तिथि	पार्टी का नाम व पता (कारखाना)	उत्पाद	आइ एस संख्या/ भाग/खंड वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	7941893	20090421	टफरोम्स प्रा.लि. सर्वे सं. 79/1, विलेज अमली, फायर स्टेशन के सामने, सिलवासा 396230, दादर और नगर हवेली	पोलीयामाईड बहुतंतुक रस्सियां (लंबी रस्सीवाले और प्लैटित)	4572: 1992
2.	7915084	20090505	कुथुनाथ अक्वा इण्डस्ट्रीज सं. 8, उचाट रोड, विलेज वर्धा, पोस्ट : खूडूस वाडा 421312 जिला थाणे	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543: 2004
3.	7941590	20090508	चामुण्डा बेवरेजेज सर्वे सं. 95, हिस्सा सं. 1, रेती बंदर रोड, विलेज कालहेर, थाणे-भिवंडी रोड, भिवंडी 421302 जिला थाणे	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543: 2004

(1)	(2)	(3)	(4)	(5)	(6)
4.	7944596	20090521	प्राईड सिमेंट प्रोडक्ट्स पोस्ट : पिंपली खुर्द, गणे खदपोली रोड, चिपलून 415604, जिला रावगढ़	पूर्वदलित कंक्रीट पाइप (सहित और बिना प्रबलित)	458 : 2003

[सं. कें प्रे वि/13:11]

पी. के. गंभीर, उप महानिदेशक (मुहरांकन)

New Delhi, the 6th August, 2009

S.O. 2265.—In pursuance of sub-regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Product	IS No. Part/Sec. Year
1	2	3	4	5	6
1.	7941893	20090421	Tufropes Pvt. Ltd. Survey No. 79/1, Village Amli, Opp. Fire Station Silvassa 396230, Dadra & Nagar Haveli	Polyamide Multifilament Ropes (Hawser laid and Plaited)	4572 : 1992
2.	7915084	20090505	Kunthunath Aqua Industries No. 8, Uchat Road, Village Vardha, Post Kudus Wada 421312 Dist. Thane	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543 : 2004
3.	7941590	20090508	Chamunda Beverages S. No. 95, Hissa No. 1, Retibunder Road, Village Kalher, Thane-Bhiwandi Road, Bhiwandi 421302 Dist. Thane	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543 : 2004
4.	7944596	20090521	Pride Cement Products At Post Pimpli Khurd, Gane Khadpoli Road Chiplum 415604 Dist. Raigad	Precast Concrete Pipes (with and without reinforcements)	458 : 2003

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 6 अगस्त, 2009

का.आ. 2266.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं उनके आगे दर्शाए गई तिथि से समाप्त हो गए हैं:

अनुसूची

क्र. सं.	लाइसेन्स संख्या सी एम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	समाप्ति तिथि
1	7902075	दी सुप्रीम इण्डस्ट्रीज लि. (युनिट सं. III) गट सं. 47/2, 48 से 50, 55 से 66, 69, 70, 72 और 73, जलगांव-औरंगाबाद स्टेट हाईवे, पोस्ट गडेगांव तालुका : जमनेर, जिला जलगांव 425114	सिंचाई उपस्कर-सेंचक पाइप भाग-2, द्रुत युग्मक पॉलीइथाइलीन पाइप भा.मा. 14151 (भाग 2) : 1999 के अनुसार	19-05-2009

[सं. कें. प्र.वि./13:11]

पी. के. गंभीर, उप महानिदेशक (मुहरांकन)

New Delhi, the 6th August, 2009

S.O. 2266.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1	7902075	The Supreme Industries Limited (Unit No. III) Gat No. 47, 47/2, 48 to 50, 55 to 66, 69, 70, 72 & 73, Jalgaon-Aurangabad State Highway, At post Gadegaon Tal : Jamner Dist Jalgaon 425114	Irrigation Equipment-Sprinkler Pipes, Part 2, Quick Coupled Polyethylene Pipes as per IS 14151 (Pt. 2): 1999	19-05-2009

[No. CMD/13:11]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 6 अगस्त, 2009

का.आ. 2267.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:

अनुसूची

क्र.सं.	लाइसेन्स संख्या सी एम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1	7564081	सूरज इंडस्ट्रीज 111, इंडस्ट्रीयल इस्टेट, होतगी रोड, जिला सोलापुर, महाराष्ट्र	भामा 14543 : 2004 पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	1-6-2009

[सं. सीएमडी/13:13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 6th August, 2009

S.O. 2267.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1	7564081	Suraj Industries 111, Indl Estate, Hotgi Road, District Solapur, Maharashtra	IS 14543 : 2004 Packaged drinking water (Other than packaged natural mineral water)	1-06-2009

[No. CMD/13:13]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 7 अगस्त, 2009

का.आ. 2268.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनुभाग	वर्ष
1	2	3	4	5	6	7	8	9
1.	7908895	28-5-2009	एसआरएफ बेवरेजेज, स.नं. 5/5 2/3, कोंढवा (बीके), तालुका हवेली, जिला पुणे-411 048 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
2.	7946095	25-5-2009	डेक्कन पैकेजिंग एंड प्रिंटिंग गट सं. 399, यवत भुलेश्वर रोड, यवत, तालुका दौंड, जिला पुणे-412 214 महाराष्ट्र ।	विस्फोटकों के पैकेज के लिए सामान्य अपेक्षाएँ : भाग 1 वाणिज्यिक उच्च विस्फोटक ।	10212	01		1986
3.	7939910	1-6-2009	श्री रामनारायण इंडस्ट्रीज गट संख्या 30/1, एट बामानी पी.ओ. वाडेपुरी, तालुका लोहा जिला नांदेड-431 604 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
4.	7946806	2-6-2009	रंजीत बुलियन 864, पेठ बाग, सराफ बाजार तालुका मिरज, जिला सांगली-416 416 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं/ आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन	1417			1999
5.	7947202	5-6-2009	अमृत जल गट संख्या 539, ए/पी, कपूरवाडी तालुका वालवा जिला सांगली-415 407 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
6.	7947606	5-6-2009	चैतन्य ज्वैलर्स मुंजाबा चौक, पुराना एसटी स्टैंड के पास, औतुर, तालुका-जुन्नर जिला पुणे-412 409 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं/ आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन	1417			1999
7.	7947707	5-6-2009	शुभम इंटरप्राइजेज म. नं. 1196, स. नं. 13 वॉटर टैंक के पास नांदेड फाटा, तालुका हवेली, जिला पुणे-411 041 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004

1	2	3	4	5	6	7	8	9
8.	7937603	5-6-2009	इंदर इंडस्ट्रीज स. नं. 411, के.के. कॉम्प्लेक्स भगतसिंह रोड, ओल्ड मोंधा जिला नांदेड-431 602 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
9.	7943796	8-6-2009	पंचरत्न बेवेरेजेज गट संख्या 18, उमाप फार्म्स एट पोस्ट वाडे बोलहे तालुका हवेली जिला पुणे-412 207 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
10.	7948709	5-6-2009	हनीवैल ऑटोमेशन लिमिटेड 53, 57, हडपसर इंडस्ट्रीयल इस्टेट, जिला पुणे-411 013 महाराष्ट्र ।	बिजली के उपकरणों के लिए विस्फोटक गैस वातावरण- ज्वालारोधी आवरण संलग्नक 'डी'	2148			2004
11.	7948608	9-6-2009	सेकुआ मार्केटिंग प्रा. लि. प्लॉट नं. एल-81, अतिरिक्त एमआयडीसी तालुका सातारा, जिला सातारा-415 004 महाराष्ट्र ।	पेयजल आपूर्ति के लिए यूपीवीसी पाइप्स	4985			2000
12.	7949913	3-6-2009	रधा कन्हैया टेक्सटाइल प्रोसेसर गट सं. 829, प्लॉट नं. 1-2-3 शाहपुर रोड, गंगानगर, इचलकरंजी, जिला कोल्हापुर-416 116 महाराष्ट्र ।	वर्दी के लिए पोलिस्टर मिश्रित शर्टिंग	11815			1986
13.	7950086	3-6-2009	रधा कन्हैया टेक्सटाइल प्रोसेसर गट सं. 829, प्लॉट नं. 1-2-3 शाहपुर रोड, गंगानगर, इचलकरंजी, जिला कोल्हापुर-416 116 महाराष्ट्र ।	वर्दी के लिए पोलिस्टर मिश्रित सूटिंग	11248			1995
14.	7950187	9-6-2009	लगाड सीमेंट पाइप वर्क्स प्लॉट नं. सी-26, 27, 28 इंडस्ट्रीयल इस्टेट, भिगवान रोड, ए/पी बारामती जिला पुणे-413 102, महाराष्ट्र ।	प्रीकास्ट कांक्रीट पाइप्स (प्रबलन सहित और रहित)	458			2003
15.	7950288	11-6-2009	लाइफ गीयर सेफटेक प्रा.लि. स. नं. 43, मिलकत नं. 361, प्लाट नं. 31, ननारगांव, तालुका मावल, जिला पुणे-410 401 महाराष्ट्र ।	औद्योगिक सुरक्षा पेटी और बचनसज्जा	3521			1999

1	2	3	4	5	6	7	8	9
16.	7950894	12-6-2009	राधव सीमेंट इंडस्ट्रीज गट संख्या 967, पी.ओ. सनसवाडी, तालुका शिरूर, जिला पुणे-412 008 महाराष्ट्र ।	पोर्टलैंड पोजोलाना सीमेंट : भाग I फ्लेश आधारित	1489	01		1991

[सं. सीएमडी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 7th August, 2009

S.O. 2268.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1	2	3	4	5	6	7	8	9
1.	7908895	28-5-2009	SRF Beverages S. No. 5/5 2/3, Kondhwa (BK) Taluka Haveli District Pune-411 048 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
2.	7946095	25-5-2009	Deccan Packaging and Printing Gat No. 399 Yawat Bhuleshwar Road, Yawat, Taluka Daund, District Pune-412 214 Maharashtra	General requirements packages of explosives : Commercial high explosives	10212	01		1986
3.	7939910	1-6-2009	Shree Ramanarayan Industries Gut No. 30/1, At Bamani, P.O. Wadepuri, Taluka Loha, District Nanded-431 604 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
4.	7946806	2-6-2009	Ranjeet Bullion 864, Peth Bhag Saraf Bazar, Taluka Miraj, District Sangli-416 416 Maharashtra	Gold and gold alloys, jewellery/artefacts— Fineness and marking	1417			1999
5.	7947202	5-6-2009	Amrut Jal Gat No. 539, A/P Kapurwadi, Taluka Walwa, District Sangli-415 407 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004

1	2	3	4	5	6	7	8	9
6.	7947606	5-6-2009	Chaitanya Jewellers Munjaba Chowk, Near Old St Stand, Otur Taluka Junnar, District Pune-412409 Maharashtra	Gold and gold alloys, jewellery/artefacts— Fineness and marking	1417			1999
7.	7947707	5-6-2009	Shubham Enterprises H.No. 1196, S. No. 13, Near Water Tank, Nanded Phata, Taluka Haveli, District Pune-411041 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
8.	7937603	5-6-2009	Inder Industries S. No. 411, K K Complex, Bhagatsingh Road. Old Mondha, District Nanded-431602 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
9.	7943796	8-6-2009	Pancharatna Beverages Gat No. 18, Umap Farms, At Post Wade Bolhai, Taluka Haveli, District Pune-412207 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
10.	7948709	5-6-2009	Honeywell Automation Ltd, 53/57, Hadapsar Indl. Estate, District Pune-411013 Maharashtra	Electrical apparatus for explosive gas atmospheres- Flameproof enclosures 'd'	2148			2004
11.	7948608	9-6-2009	Sequoia Marketing Pvt. Ltd, Plot No. L-81, Addl. MIDC, Taluka Satara, District Satara-415004 Maharashtra	UPVC pipes for potable water supplies	4985			2000
12.	7949913	3-6-2009	Radha Kanhaiya Textile Processor, Gat No. 829, Plot No. 1-2-3 Shahapur Road, Ganganagar Ichalkaranji District Kolhapur 416116 Maharashtra	Polyester Blend Shirting for Uniforms	11815			1986
13.	7950086	3-6-2009	Radha Kanhaiya Textile Processor, Gat No. 829, Plot No. 1-2-3 Shahapur Road, Ganganagar Ichalkaranji District Kolhapur-416116 Maharashtra	Polyester Blend Suiting for Uniforms	11248			1995

1	2	3	4	5	6	7	8	9
14.	7950187	9-6-2009	Lagad Cement Pipe Works Plot No. C-26, 27, 28, Indl Estate, Bhigwan Road, A/P Baramati District Pune-413102 Maharashtra	Precast concrete pipes (with and without reinforcement)	458			2003
15.	7950288	11-6-2009	Life Gear Safetech Pvt. Ltd. S. No. 43, Milkat No. 361 Plot No. 31, Nangargaon, Taluka Maval District Pune-410401 Maharashtra	Industrial safety belts and harnesses	3521			1999
16.	7950894	12-6-2009	Raghav Cement Industries Gat No. 967, P.O. Sanaswadi Taluka Shirur, District Pune-412008 Maharashtra	Portland pozzolana cement : Part I Flyash based	1489	01		1991

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

शहरी विकास बंगलाय

नई दिल्ली, 20 अगस्त, 2009

का.आ. 2269.—एतद्वारा अधिसूचित किया जाता है कि राजघाट समाधि समिति अधिनियम, 1951 (1951 का 41) की धारा 4 की उप धारा (i) के खण्ड (घ) के अनुसार, श्री अजय माकन, सदस्य (लोक सभा) और श्री हरिलाल माधव जी भाई पटेल, सदस्य (लोक सभा) के स्थान पर लोक सभा के निम्नलिखित सदस्यों को राजघाट समाधि समिति के सदस्यों के रूप में निर्वाचित किया गया है :-

- (1) श्री संदीप दीक्षित
- (2) डा. किरित प्रेम जी भाई सोलंकी

[सं. 25011/7/85-डब्ल्यू-2]

एस. एन. दूबे, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 20th August, 2009

S.O. 2269.—It is hereby notified that undermentioned Members of the Lok Sabha have been elected as Members of the Rajghat Samadhi Committee in accordance with the Clause (d) of sub-section (I) of Section 4 of the Rajghat Samadhi Committee Act, 1951 (41 of 1951) in place of Sh. Ajay Makan, Member (Lok Sabha) and Sh. Harilal Madhavjibhai Patel, Member (Lok Sabha) :—

- (1) Shri Sandeep Dikshit
- (2) Dr. Kirit Premjibhai Solanki.

[No. 25011/7/85-W-2]

S. N. DUBEY, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 अगस्त, 2009

का. आ. 2270.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 866 दिनांक 01.04.2009, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, दादरी से पानीपत आर.एल.एन.जी. पाइपलाइन परियोजना हेतु उत्तरप्रदेश राज्य के दादरी से हरियाणा राज्य के पानीपत तक आर.एल.एन.जी. के परिवहन के लिए इण्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने हेतु उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट हरियाणा राज्य की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को 05.05.2009 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) अनुसरण में सक्षम प्राधिकारी, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी बिल्लिंगमों से मुक्त होकर इण्डियन ऑयल ~~कॉर्पोरेशन~~ लिमिटेड में निहित होगा।

अनुसूची

तहसील समालखा		जिला पानीपत		राज्य-हरियाणा		
गांव का नाम	हदबस्त संख्या	मुस्तील संख्या	खसरा/किला संख्या	क्षेत्रफल हैक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7
जौरासी सर्फ खास	72	81	2	00	00	25
			8/1	00	04	05
			14	00	08	85
			16	00	10	88
	88	88	1/2	00	11	13
			9	00	02	53
			21	00	09	86

[फ. सं. एल-14014/10/2006-जी.पी.]

के.के.शर्मा, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 12th August, 2009

S. O. 2270.— Whereas by notification of Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 866 dated the 01st April, 2009, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying of pipeline for transportation of R-LNG from Dadri in the State of Uttar Pradesh to Panipat in the State of Haryana by Indian Oil Corporation Limited.

And whereas, copies of the said gazette notification were made available to the public on 05.05.09;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted his report to the Central Government;
And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil-Samalkha		District. Panipat		State:Haryana		
Name of the Village	Hadbast No.	Mushtil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
1	2	3	4	5	6	7
Jaurasi Surf Khas	72	81	2	0	00	25
			8/1	0	04	05
			14	0	08	85
			16	0	10	88
		88	1/2	0	11	13
		80	9	0	02	53
			21	0	09	86

[F. No. L-14014/10/2006-G.P.
K.K.SHARMA, Under Secy.

नई दिल्ली, 12 अगस्त, 2009

का. आ. 2271.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु में तिरुतनी के पास विजयवाडा-मैलुर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई - बंगलौर - मंगलौर पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री एस. वेलयप्पन, सक्षम प्राधिकारी, रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड, नं. 89, डॉ. राधाकृष्णन सलाई, छठवीं मंजिल, मैलापुर, चैन्नई - 600 004, तमिलनाडु राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : तिरुतन्नी	जिला : तिरुवल्लुर	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं. / सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) तलावेडु	92	00	07	24
	96	00	01	54
	97	00	46	45
	98	00	76	19
	105	00	63	89
	110	00	88	50
	114	00	03	05
	158	00	44	63
	159	00	30	62
	160	00	26	33
	161	00	03	91
	171	00	03	50
	172	00	19	93
	267	01	25	06
2) पोन्पडी अल्यास पोम्पडी	140	00	18	32
	141	00	31	48
	143	00	18	37
	146	00	05	70
	149	00	18	66
	164	00	37	69
	166	00	44	15
	167	00	43	82
	174	00	04	10
	175	00	30	30
	178	00	54	07
	179	00	52	94
	275	00	73	56
	276	00	09	90
	277	00	19	40
	278	00	86	18
	279	00	08	68
	280	00	05	74
	282	01	01	67
	283	00	46	20
3) अलीमेलुमन्नापुरम	146	00	16	36
	279	00	55	33
	266	00	29	62

1	2	3	4	5
3) असीमकुल्लापुरा (निरंतर)	267	00	38	10
	268	00	33	04
	280	00	22	98
	281	00	50	24
	283	00	34	24
	284	00	49	68
	285	00	88	37
	286	00	04	23
	287	00	13	53
	289	00	00	10
4) मुल्लकगढट्ट	28	00	01	26
	29	00	21	17
	30	00	69	58
	31	00	00	22
	46	00	66	08
	47	00	37	28
	51	00	40	74
	52	00	44	79
5) सुर्जानगर	19	00	21	42
	22	00	70	48
	23	00	32	37
	25	00	09	23
	26	00	27	32
	27	00	45	19
	28	00	38	18
	29	00	10	17
	3	00	02	00
	30	00	56	93
	31	00	72	48
	40	00	10	07
	1	00	61	41
6) कुल्लासुल्ला	10	00	08	75
	3	00	57	53
	4	01	26	84
	5	00	36	96
	12	00	39	60
	13	00	11	89
	14	00	14	52
	15	00	28	46
	16	00	06	10

1	2	3	4	5
6) कृष्णासमुद्रम (निरंतर)	25	00	08	22
	28	00	40	30
	30	00	00	99
	31	00	00	16
	84	00	38	73
	85	00	12	94
	86	00	27	34
	91	00	28	17
	92	00	39	15
	94	00	20	95
	103	00	11	31
	106	00	29	26
	107	00	43	85
	108	00	34	82
	140	00	01	25
	144	00	33	24
	150	00	38	01
	212	00	00	10
	213	00	17	84
	229	00	00	77
	230	00	26	68
	231	00	36	61
	232	00	40	09
	238	00	37	87
	244	00	70	51
	312	00	19	31
	313	00	36	52
	314	00	43	41
	321	00	39	99
	322	00	48	20
	323	00	49	22
	324	00	33	36
	8	00	30	03
	87	00	15	99
	109	00	00	99
	110	00	02	98
	143	00	30	60
	222	00	24	26
	217	00	00	10
	221	00	24	84

1	2	3	4	5
6) कृष्णासमुद्रम (निरंतर)	214	00	32	59
	216	00	28	24
	236	00	00	25
7) सीरुगुनी	2	00	11	55
	4	00	99	17
	212	00	38	03
	217	00	39	75
	219	00	53	90
	5	02	93	07
मंडल/ तेहसिल/ तालुक : पल्लिपट्टु	जिला : तिरुवल्लुर	राज्य : तमिलनाडु		
1) रामासमुद्रम	12	00	46	17
	13	00	37	34
	16	01	34	23
	17	00	10	21
	58	00	37	67
	64	00	06	97
	65	00	24	16
	66	00	39	97
	83	00	01	00
2) कृष्णामाराजुकुप्पम	59	00	45	54
	60	00	14	36
	68	01	02	08
	64	00	30	16
	65	00	42	69
	66	00	07	99
	69	00	20	18
	83	00	63	13
	87	00	50	19
	88	00	50	46
	98	00	30	98
	99	00	22	97
	100	00	11	82
	108	00	43	94
	109	00	56	33
	117	00	00	42
	118	00	23	50
	121	00	34	84
	122	00	24	17
	130	00	37	67
	131	00	23	57
	176	00	64	57

1	2	3	4	5
2) कृष्णामाराजकुप्पम (निरंतर)	177	00	15	47
	184	00	67	03
	191	00	41	44
	192	00	01	68
	193	00	14	52
	196	00	62	11
	197	00	32	47
	2 2 7	00	02	12
	63	00	32	47
3) नोच्चिली	90	00	52	47
	93	00	03	37
	94	00	22	14
	95	00	29	99
	96	00	29	86
	97	00	41	62
	98	00	05	64

[फ़. सं. एल-14014/26/2009-जी.पी.]

के.के.शर्मा, अवर सचिव

New Delhi, the 12th August, 2009

S. O. 2271.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada – Nellore – Chennai pipeline near Tiruttani in Tamilnadu to consumers in various parts of the country, Chennai – Bangalore - Mangalore pipeline should be laid by M/s Relogistics Infrastructure Limited;

And whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to Shri S. Vellaippan, Competent Authority, Relogistics Infrastructure Limited, No. 89, Dr. Radha Krishnan Salai, 6th Floor, Mylapore, Chennai – 600004, Tamil Nadu State.

Schedule

Mandal/Tehsil/Taluk:Tiruttani		District:Thiruvallur		State:Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Thalavedu	92	00	07	24	
	96	00	01	54	
	97	00	46	45	
	98	00	76	19	
	105	00	63	89	
	110	00	88	50	
	114	00	03	05	
	158	00	44	63	
	159	00	30	62	
	160	00	26	33	
	161	00	03	91	
	171	00	03	50	
	172	00	19	93	
	267	01	25	06	
2) Ponpadi Alias Pommadi	140	00	18	32	
	141	00	31	48	
	143	00	18	37	
	146	00	05	70	
	149	00	18	66	
	164	00	37	69	
	166	00	44	15	
	167	00	43	82	
	174	00	04	10	
	175	00	30	30	
	178	00	54	07	
	179	00	52	94	
	275	00	73	56	
	276	00	09	90	
	277	00	19	40	
	278	00	86	18	
	279	00	08	68	
	280	00	05	74	
	282	01	01	67	
	283	00	46	20	
3) Alimelumangapuram	146	00	16	36	
	279	00	55	33	
	266	00	29	62	

1	2	3	4	5
3) Alimelumangapuram (Contd)	267	00	38	10
	268	00	33	04
	280	00	22	98
	281	00	50	24
	283	00	34	24
	284	00	49	68
	285	00	88	37
	286	00	04	23
	287	00	13	53
	289	00	00	10
4) Murukkambattu	28	00	01	26
	29	00	21	17
	30	00	69	58
	31	00	00	22
	46	00	66	08
	47	00	37	28
	51	00	40	74
	52	00	44	79
5) Suryanagaram	19	00	21	42
	22	00	70	48
	23	00	32	37
	25	00	09	23
	26	00	27	32
	27	00	45	19
	28	00	38	18
	29	00	10	17
	3	00	02	00
	30	00	56	93
	31	00	72	48
	40	00	10	07
	1	00	61	41
6) Krishnasamudram	10	00	08	75
	3	00	57	53
	4	01	26	84
	5	00	36	96
	12	00	39	60
	13	00	11	89
	14	00	14	52
	15	00	28	46
	16	00	06	10

1	2	3	4	5
6) Krishnasamudram (Contd)	25	00	08	22
	28	00	40	30
	30	00	00	99
	31	00	00	16
	84	00	38	73
	85	00	12	94
	86	00	27	34
	91	00	28	17
	92	00	39	15
	94	00	20	95
	103	00	11	31
	106	00	29	26
	107	00	43	85
	108	00	34	82
	140	00	01	25
	144	00	33	24
	150	00	38	01
	212	00	00	10
	213	00	17	84
	229	00	00	77
	230	00	26	68
	231	00	36	61
	232	00	40	09
	238	00	37	87
	244	00	70	51
	312	00	19	31
	313	00	36	52
	314	00	43	41
	321	00	39	99
	322	00	48	20
	323	00	49	22
	324	00	33	36
	8	00	30	03
	87	00	15	99
	109	00	00	99
	110	00	02	98
	143	00	30	60
	222	00	24	26
	217	00	00	10
	221	00	24	84

1	2	3	4	5
6) Krishnasamudram (Contd)	214	00	32	59
	216	00	28	24
	236	00	00	25
7) Sirugumi	2	00	11	55
	4	00	99	17
	212	00	38	03
	217	00	39	75
	219	00	53	90
	5	02	93	07

Mandal/Tehsil/Taluk: Pallipattu		District: Thiruvallur		State: Tamil Nadu	
1) Ramasamudram	12	00	46	17	
	13	00	37	34	
	16	01	34	23	
	17	00	10	21	
	58	00	37	67	
	64	00	06	97	
	65	00	24	16	
	66	00	39	97	
	83	00	01	00	
2) Krishnamarajukuppam	59	00	45	54	
	60	00	14	36	
	68	01	02	08	
	64	00	30	16	
	65	00	42	69	
	66	00	07	99	
	69	00	20	18	
	83	00	63	13	
	87	00	50	19	
	88	00	50	46	
	98	00	30	98	
	99	00	22	97	
	100	00	11	82	
	108	00	43	94	
	109	00	56	33	
	117	00	00	42	
	118	00	23	50	
	121	00	34	84	
	122	00	24	17	
	130	00	37	67	
	131	00	23	57	
	176	00	64	57	

1	2	3	4	5
2) Krishnamangalukuppam (Contd)	177	00	15	47
	184	00	67	03
	191	00	41	44
	192	00	01	68
	193	00	14	52
	196	00	62	11
	197	00	32	47
	227	00	02	12
	63	00	32	47
3) Nochchili	90	00	52	47
	93	00	03	37
	94	00	22	14
	95	00	29	99
	96	00	29	86
	97	00	41	62
	98	00	05	64

[F.No. L-14014/26/2009-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 19 अगस्त, 2009

क्र. अ. 2272—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडू में तिरुतनी के पास विजयवाड़ा-नैलूर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट तमिलनाडू से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिस्टिक्स इनफ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-टयूटीकोरिन पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलेियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री एस. वेलयप्पन, सक्षम प्राधिकारी, रिलोजिस्टिक्स इनफ्रास्ट्रक्चर लिमिटेड, नं. 89, डॉ. राधाकृष्णन सलाई, छठवीं मंजिल, मैलापुर, चैन्नई - 600 004, तमिलनाडू राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तेहसिल/ तालुक क्षेत्र	जिला शिरोवन्नामलाई	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं. / सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) सिरुनवलपट्टु	130 और 149	02	46	39
	132	00	41	72
	134	00	04	42
	137/बी	00	57	39
	137/ए	00	09	38
	138/ए	00	00	57
	356	00	08	49
	358	00	13	73
	357	00	01	25
	359	00	00	89
	360	00	17	40
	361	00	00	30
	362	00	00	88
	363	00	09	08
	364	00	06	86
	365	00	06	49
	367	00	25	25
	368	00	05	14
	389	00	07	15
	297, 298, 299, 306, 307 और 387	00	90	26
2) नट्टेरी	394	00	16	31
	398	00	40	14
	399	00	27	92
	401	00	54	73
	413	00	61	14
	415	00	03	35
	416	00	24	86
	421	00	50	97
	422	00	27	96
	429	00	48	28
	432	00	62	89
	434	00	52	63
	444	00	53	88
	445	00	30	31
	495	00	18	63
	496	00	13	70
	497	00	11	75

1	2	3	4	5
2) नद्वरी (नररतर)	529	00	42	27
	530	00	50	64
	531	00	24	80
	532	00	10	56
	533	00	02	68
	534	00	07	47
	541	00	02	75
	542	00	49	66
	549	00	61	16
	550	00	03	22
	558	00	24	25
	560	00	38	61
	561	00	42	86
	564	00	65	64
	572	00	05	80
	574	00	64	27
	606	00	04	72
	607	00	23	73
	608	00	24	23
	609	00	22	98
	610	00	20	60
	612	00	27	65
	613	00	26	35
	643	00	29	16
	644	00	39	76
	645	00	17	74
	646	00	04	90
3) धेन्नडडडु	346	00	46	05
	347	00	25	68
	351	00	04	00
	355	00	19	32
	379	00	48	57
	383	00	44	21
	384	00	09	69
	386	00	11	29
	387	00	50	54
	388	00	23	14
	417	00	50	17
	407	00	34	68
	408	00	17	05
	409	00	11	61
	415	00	23	31

1	2	3	4	5
3) शिल्पमण्डल (निरंतर)	416	00	48	72
	468	00	00	23
	469	00	18	32
	473	00	24	85
	474	00	14	99
	475	00	00	20
	476	00	21	00
	477	00	73	81
	479	00	13	25
	512	00	38	11
	513	00	16	41
	514	00	64	73
	546	00	04	27
	547	00	37	84
	548	00	00	62
4) मेलबुंडरी	125/ए	00	07	45
	125/बी	00	26	90
	127/बी	00	35	46
	131	00	02	20
	132/ए	00	21	37
	145	00	08	50
	149	00	26	46
	150	00	60	44
	151	00	41	11
	152	00	07	59
	153	00	93	83
	155	00	69	56
	158	00	34	96
	174	00	35	33
	175	00	31	00
	176	00	00	56
5) मोरदा	147	00	27	06
	148	00	43	79
	151	00	27	50
	155	00	08	83
	297	00	58	77
	301	00	62	62
	303	00	59	11
	304	00	47	07
	305	00	07	08
	319	00	06	20
	320	00	44	59

1	2	3	4	5
5) मोरान्त (निरंतर)	321	00	12	69
	323	00	66	54
	324	00	11	07
	326	00	07	51
	327	00	54	32
	329	00	40	49
	341	00	00	63
6) तलरापाडी	1	00	01	00
	13	00	41	24
	15	00	14	51
	16	00	00	65
	17	00	22	33
	18	00	31	14
	21	00	38	22
	22	00	05	37
	24	00	16	86
	30	00	19	46
	31	00	08	78
	32	00	00	97
	11	00	41	07
	162	01	13	94
	163	00	38	86
	164	00	31	98
	165	00	06	28
	170	00	44	17
	173/बी	00	45	58
	174	00	09	81
	175	00	03	57
	179	00	10	60
	180	00	06	39
	181	00	03	92
	206	00	11	09
	213	00	10	64
	214	00	57	79
7) मुनुकापट्ट	19	00	28	99
	20	00	48	59
	26	00	97	59
	31	00	04	22
	45	00	03	33
	106	00	19	85
	119	00	03	68
	120	00	07	65

1	2	3	4	5
7) मुनुकापट्ट (निरंतर)	121	00	40	09
	122	00	31	90
	123	00	73	56
	147	00	02	11
	148	00	11	30
	149	00	00	10
	150	00	12	97
	160	00	23	69
	159	00	00	46
	161	00	12	33
	162	00	08	57
	165	00	26	22
	166	00	11	74
	167	00	12	10
	193	00	04	68
	195	00	12	10
	197	00	06	17
	198	00	11	35
	247	00	36	79
8) धीरुमनी	6	00	66	10
	28	00	00	92
	29	00	16	15
	30	00	01	37
	32	00	21	58
	33	00	01	39
	34	00	18	63
	52	00	20	22
	59	00	17	96
	60	00	35	84
	77	00	00	45
	79	00	17	53
	80	00	02	85
	81	00	15	11
	83	00	09	65
	86	00	11	80
	87	00	04	85
	88	00	01	32
	89	00	15	41
	91	00	52	53
	92	00	00	11
	266	00	10	73
	267	00	24	21

1	2	3	4	5
8) धीरुमनी (निरंतर)	268	00	05	72
	269	00	00	10
	270	00	15	14
	271	00	20	18
	310	00	15	06
	311	00	40	96
	320	00	01	54
	322	00	35	43
	323	00	02	51
	324/ए	00	04	00
	324/बी	00	05	59
	325	00	06	79
	326	00	48	63
	327	00	23	20
	328	00	02	89
	331	00	88	17
	332	00	00	17
	431	00	07	85

मंडल/ तेहसिल/ तालुक : वंदावासी	जिला : तिरुवन्नामलाई	राज्य : तमिलनाडु		
1) सूद्राकट्टेरी	175	00	69	18
	5	00	02	73
	7 और 155	02	08	24
	9	00	46	90
	10	00	10	39
	11	00	39	50
	12	00	05	66
	171	00	55	38
	176	01	34	03
2) मेलानूर	212	00	00	50
3) कोनाइनुर	2	00	90	99
	3	00	34	19
	19	00	17	35
	22	00	25	62
	23	00	01	62
	31	00	15	94
	32	00	13	75
	33	00	11	88
	34	00	07	35
	38	00	56	23
	106	00	43	51
	108	00	00	34
	114	00	02	28
	115	00	07	19

1	2	3	4	5
3) कोनाइतुर (निरंतर)	116	00	00	64
	124	00	01	38
	125	00	07	65
	126	00	00	10
	127	00	06	06
	128	00	12	29
	129	00	02	53
	130	00	12	12
	157	00	10	24
	158	00	20	45
	167	00	14	64
	168	00	06	10
	370	00	22	70
4) मेंगापुरम	56	00	00	80
	57	00	32	85
	66	00	18	11
	67	00	05	41
	68	00	22	20
	69	00	35	06
	70	00	20	29
	71	00	04	76
	72	00	13	63
	73	00	04	39
	86	00	00	98
	98	00	15	32
	104	00	14	09
	105	00	05	03
	107	00	22	41
	108	00	13	69
	109	00	00	11
	110	00	05	12
	111	00	14	96
	116	00	00	13
	117	00	10	91
	118	00	21	41
	119	00	19	82
	120	00	04	00
	121	00	33	73
	123	00	11	49
	124	00	06	18
	125	00	17	64
	127	00	00	10

1	2	3	4	5
5) कोलाप्पलूर	656	00	35	76
	657	00	17	82
	658	00	57	28
	659	00	16	38
	660	00	20	71
	661	00	21	09
	662	00	03	36
	677 और 695	00	22	17
	709	00	30	33
	710	00	02	20
	713	00	15	75
	714 और 716	00	14	14
	722	00	15	08
	731	00	03	10
	735	00	67	15
	736	00	39	54
	747	00	00	63
	748	00	40	69
	749	00	17	35
	753	00	26	53
	754	00	64	74
	755	00	07	16
	758	00	69	26
	759	00	57	49
	761/ए	00	19	19
	761/बी	00	23	78
	764	00	00	10
	837, 78, 537, 631 और 632	00	29	14
	707	00	00	10
मंडल/ तेहसिल/ तालुक :पोलुर	जिला :तेरुवन्नामलाई	राज्य :तमिलनाडु		
1) इन्द्रावन्म	150/बी	00	27	27
	159	00	47	07
	162/बी	00	00	10
	163 और 164	01	15	71
	165	00	43	26
	172	00	27	31
	173	00	05	22
	174	00	14	59
	176	00	03	69
	190	00	34	43
	191	00	02	84
	192	00	55	96
	196	00	01	83

1	2	3	4	5
1) इन्द्राविनम (निरंतर)	197	00	43	22
	198	00	20	59
	199	00	34	03
	200	00	00	18
2) अप्पेडु	237	01	50	95
	244	00	43	71
	245	00	08	97
	259	00	14	93
	260	00	10	97
	261	00	33	74
	272	00	00	10
	273	00	72	78
3) कोयन्डावाडी	26	00	19	82
	28	00	31	76
	37	00	27	20
	48	00	00	53
	55	00	16	98
	56	00	02	71
	57	00	18	71
	58	00	14	38
	59	00	10	79
	63	00	15	13
	64	00	59	50
	67	00	38	56
	71	00	02	28
	72	00	25	60
	75	00	09	50
	76	00	11	70
	77	00	09	73
	78	00	10	14
	81	00	14	36
	82	00	14	87
	83	00	13	80
	180	00	01	76
	188	00	01	04
	189	00	31	49
	192	00	06	16
	193	00	42	54
	194	00	66	08
	196	00	30	97
	197	00	43	15
	198	00	69	78
3) कोयन्डावाडी (निरंतर)	213	00	10	35
	214	00	06	73
	218	00	05	12

1	2	3	4	5
4) तामिळनाडु	8	00	01	26
	9	00	35	89
	10	00	30	81
	11	00	02	42
	12	00	37	15
	14	00	53	03
	43	00	21	88
	44	00	40	76
	80	00	23	33
	81	00	44	20
	88	00	03	97
	89	00	01	58
	90	00	15	28
	91	00	04	28
	92	00	01	42
	93	00	43	21
	94	00	07	85
	139	00	11	45
	141	00	52	78
	142	00	11	03
5) तमिलनाडु	104	00	82	26
	106	00	33	23
	105	00	27	77

[फा. सं. एल-14014/25-2009-जी.पी.]

के.के.शर्मा, अवर सचिव

New Delhi, the 19th August, 2009

S.O. 2272.— Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada – Nellore – Chennai pipeline near Tiruttani in Tamilnadu to consumers in various parts of Tamilnadu, Chennai - Tuticorin pipeline should be laid by M/s Relogistics Infrastructure Limited;

And whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to Shri S. Vellaiappan, Competent Authority, Relogistics Infrastructure Limited, No. 89, Dr. Radha Krishnan Salai, 6th Floor, Mylapore, Chennai – 600004, Tamil Nadu State.

Schedule

Mandal/Tehsil/Taluk:Cheyyar		District:Thiruvannamalai		State:Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Sirunavalpattu	130 & 149	02	46	39	
	132	00	41	72	
	134	00	04	42	
	137/B	00	57	39	
	137/A	00	09	38	
	138/A	00	00	57	
	356	00	08	49	
	358	00	13	73	
	357	00	01	25	
	359	00	00	89	
	360	00	17	40	
	361	00	00	30	
	362	00	00	88	
	363	00	09	08	
	364	00	06	86	
	365	00	06	49	
	367	00	25	25	
	368	00	05	14	
	389	00	07	15	
	297,298, 299, 306, 307 & 387	00	90	26	
2) Natteri	394	00	16	31	
	398	00	40	14	
	399	00	27	92	
	401	00	54	73	
	413	00	61	14	
	415	00	03	35	
	416	00	24	86	
	421	00	50	97	
	422	00	27	96	
	429	00	48	28	
	432	00	62	89	
	434	00	52	63	
	444	00	53	88	
	445	00	30	31	
	495	00	18	63	
	496	00	13	70	
	497	00	11	75	

1	2	3	4	5
2) Natteri (Contd)	529	00	42	27
	530	00	50	64
	531	00	24	80
	532	00	10	86
	533	00	02	68
	534	00	07	47
	541	00	02	75
	542	00	49	66
	549	00	61	16
	550	00	03	22
	558	00	24	25
	560	00	38	61
	561	00	42	86
	564	00	65	64
	572	00	05	80
	574	00	64	27
	606	00	04	72
	607	00	23	73
	608	00	24	23
	609	00	22	98
	610	00	20	60
	612	00	27	65
	613	00	26	35
	643	00	29	16
	644	00	39	76
	645	00	17	74
	646	00	04	90
3) Thennampattu	346	00	46	05
	347	00	25	68
	351	00	04	00
	355	00	19	32
	379	00	48	57
	383	00	44	21
	384	00	09	69
	386	00	11	29
	387	00	50	54
	388	00	23	14
	417	00	50	17
	407	00	34	68
	408	00	17	05
	409	00	11	61
	415	00	23	31

1	2	3	4	5
3) Thennampattu (Contd.)	416	00	43	77
	468	00	00	23
	469	00	18	32
	473	00	24	85
	474	00	14	99
	475	00	00	20
	476	00	21	00
	477	00	73	81
	479	00	13	25
	512	00	38	11
	513	00	16	1
	514	00	64	73
	546	00	04	27
	547	00	37	84
	548	00	00	62
4) Melbuden:	125/A	00	07	45
	125/B	00	26	90
	127/B	00	35	46
	131	00	02	20
	132/A	00	21	37
	145	00	08	50
	149	00	26	46
	150	00	60	44
	151	00	41	11
	152	00	07	59
	153	00	93	83
	155	00	69	56
	158	00	34	96
	174	00	35	33
	175	00	31	00
	176	00	00	56
5) Moranam:	147	00	27	06
	148	00	43	79
	151	00	27	50
	155	00	08	83
	297	00	58	77
	301	00	62	62
	303	00	59	11
	304	00	47	07
	305	00	07	08
	319	00	06	20
	320	00	44	59

1	2	3	4	5
5) Moranam (Contd)	321	00	12	69
	323	00	66	54
	324	00	11	07
	326	00	07	51
	327	00	54	92
	329	00	40	49
	341	00	00	63
6) Talarapadi	1	00	01	00
	13	00	41	24
	15	00	14	51
	16	00	00	65
	17	00	22	33
	18	00	31	14
	21	00	38	22
	22	00	05	37
	24	00	16	86
	26	00	19	46
	31	00	08	78
	32	00	00	97
	11	00	41	07
	162	01	13	94
	163	00	38	85
	164	00	31	98
	165	00	06	28
	170	00	44	17
	173/B	00	45	58
	174	00	09	81
	175	00	03	57
	179	00	10	60
	180	00	06	39
	181	00	03	92
	206	00	11	09
	213	00	10	64
	214	00	57	79
7) Munukapattu	19	00	28	99
	20	00	48	59
	26	00	97	59
	31	00	04	22
	45	00	03	33
	106	00	19	85
	119	00	03	68
	120	00	07	65

1	2	3	4	5
7) Munukapattu (Contd)	121	00	40	09
	122	00	31	90
	123	00	73	56
	147	00	02	11
	148	00	11	30
	149	00	00	10
	150	00	12	97
	160	00	23	69
	159	00	00	46
	161	00	12	33
	162	00	08	57
	165	00	26	22
	166	00	11	74
	167	00	12	10
	193	00	04	68
	195	00	12	10
	197	00	06	17
	198	00	11	35
	247	00	36	79
8) Thirumani	6	00	66	10
	28	00	00	92
	29	00	16	15
	30	00	01	37
	32	00	21	58
	33	00	01	39
	34	00	18	63
	52	00	20	22
	59	00	17	96
	60	00	35	84
	77	00	00	45
	79	00	17	53
	80	00	02	85
	81	00	15	11
	83	00	09	65
	86	00	11	80
	87	00	04	85
	88	00	01	32
	89	00	15	41
	91	00	52	53
	92	00	00	11
	266	00	10	73
	267	00	24	21

1	2	3	4	5
8) Thirumani (Contd)	268	00	05	72
	269	00	00	10
	270	00	15	14
	271	00	20	18
	310	00	15	06
	311	00	40	96
	320	00	01	54
	322	00	35	43
	323	00	02	51
	324/A	00	04	00
	324/B	00	05	59
	325	00	06	79
	326	00	48	63
	327	00	23	20
	328	00	02	89
	331	00	88	17
	332	00	00	17
	431	00	07	85

Mandal/Tehsil/Taluk:Vandavasi	District:Thiruvannamalai	State:Tamil Nadu		
1) Sudrakatteri	175	00	69	18
	5	00	02	73
	7 & 155	02	08	24
	9	00	46	90
	10	00	10	39
	11	00	39	50
	12	00	05	66
	171	00	55	38
	176	01	34	03
2) Melanur	212	00	00	50
3) Konaiyur	2	00	90	99
	3	00	34	19
	19	00	17	35
	22	00	25	62
	23	00	01	62
	31	00	15	94
	32	00	13	75
	33	00	11	88
	34	00	07	35
	38	00	56	23
	106	00	43	51
	108	00	00	34
	114	00	02	28
	115	00	07	19
	116	00	00	64
	124	00	01	38
	125	00	07	65
	126	00	00	10
	127	00	06	06
	128	00	12	29
	129	00	02	53
	130	00	12	12
	157	00	10	24
	158	00	20	45
	167	00	14	64

1	2	3	4	5
3) Kottayam (Contd)	168	00	06	10
	370	00	22	70
4) Ganguan	56	00	00	60
	57	00	32	85
	66	00	18	11
	67	00	05	41
	68	00	22	20
	69	00	35	06
	70	00	20	29
	71	00	04	76
	72	00	13	63
	73	00	04	39
	86	00	00	98
	98	00	15	32
	104	00	14	09
	105	00	05	03
	107	00	22	41
	108	00	13	69
	109	00	00	11
	110	00	05	12
	111	00	14	96
	116	00	00	13
	117	00	10	01
	118	00	21	41
	119	00	19	82
	120	00	04	00
	121	00	33	73
	123	00	11	49
	124	00	06	18
	125	00	17	64
	127	00	00	10
5) Kolappalur	656	00	35	76
	657	00	17	82
	658	00	57	78
	659	00	16	38
	660	00	20	71
	661	00	21	09
	662	00	03	36
	677 & 695	00	22	17
	709	00	30	17
	710	00	02	20
	713	00	15	75
	714 & 716	00	14	14
	722	00	15	08
	731	00	03	10
	735	00	67	15
	736	00	39	54
	747	00	00	63
	748	00	40	69
	749	00	17	35
	753	00	26	53
	754	00	64	74
	755	00	07	16

1	2	3	4	5
5) Kolappalur (Contd.)	758	00	69	26
	759	00	57	49
	761/A	00	19	19
	761/B	00	23	78
	764	00	00	10
	837, 78, 537, 631 & 632	00	29	14
	707	00	00	10
Mandal/Tehsil/Taluk: Polur	District: Thiruvannamalai	State: Tamil Nadu		
1) Indravanam	150/B	00	27	27
	159	00	47	07
	162/B	00	00	10
	163 & 164	01	15	71
	165	00	43	26
	172	00	27	31
	173	00	05	22
	174	00	14	59
	176	00	03	69
	190	00	34	43
	191	00	02	84
	192	00	55	96
	196	00	01	83
1) Indravanam (Contd)	197	00	43	22
	198	00	20	59
	199	00	34	03
	200	00	00	11
2) Appedu	237	01	50	95
	244	00	43	71
	245	00	08	97
	259	00	14	93
	260	00	10	97
	261	00	33	74
	272	00	00	10
	273	00	72	78
3) Kothandawadi	26	00	19	82
	28	00	31	76
	37	00	27	20
	48	00	00	53
	55	00	16	98
	56	00	02	71
	57	00	18	71
	58	00	14	38
	59	00	10	79
	63	00	15	13
	64	00	59	50
	67	00	38	56
	71	00	02	28
	72	00	25	60
	75	00	09	50
	76	00	11	70

1	2	3	4	5
3) Kothandawadi (Contd)	77	00	09	73
	78	00	10	14
	81	00	14	36
	82	00	14	87
	83	00	13	80
	180	00	01	76
	188	00	01	04
	189	00	31	49
	192	00	06	16
	193	00	42	54
	194	00	66	08
	196	00	30	97
	197	00	43	15
	198	00	69	78
	213	00	10	35
	214	00	06	73
	218	00	05	12
4) Nambodu	8	00	01	26
	9	00	35	89
	10	00	30	81
	11	00	02	42
	12	00	37	15
	14	00	53	03
	43	00	21	88
	44	00	40	76
	80	00	23	33
	81	00	44	20
	88	00	03	97
	89	00	01	58
	90	00	15	28
	91	00	04	28
	92	00	01	42
	93	00	43	21
	94	00	07	85
	139	00	11	45
	141	00	52	78
	142	00	11	03
5) Devimangalam	104	00	82	26
	106	00	33	23
	105	00	27	77

[F. No. L-14014/25/2009-G.P.
K.K.SHARMA, Under Secy.]

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 जुलाई, 2009

का.आ 2273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 19/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-40012/423/2000-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th July, 2009

S.O. 2273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No.1 Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Posts and their workman, which was received by the Central Government on 27-7-2009.

[No. L-40012/423/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I.D. 19/2001

Shri Raghubir Singh son of Shri Godha Ram, Village & Post Office, Kahnor, District Rohtak.

.....Applicant

Versus

The Superintendent of Post Offices, Bhiwani. (Haryana)

....Respondent

APPEARANCES

For the Workmen : Workman in person

For the Management : Shri K.K. Thakur, Advocate

AWARD

Passed on 13-7-09

Government of India vide No. L-40012/423/2000-IR (DU) Dated 27-12-2000 by exercising its right under

Section 10 of the Industrial Disputes Act, (hereinafter referred to as an Act), referred the following industrial dispute for adjudication.

" Whether the action of the management of the Department of Posts in terminating the services of Sh. Raghubir Singh a Part time Chowkidar with effect from 12-10-98 is just and legal? If not, to what relief the workman is entitled?

Both of the parties were afforded the opportunity for filing their respective pleadings and adducing evidence.

From the pleadings of the parties it is clear that the workman was appointed as Part time chowkidar at Post Office, Kahnor District Rohtak on 1-7-1987. He worked there up to 21-7-1993 when he was transferred to Post Office, Kharak Kalan, Tehsil and District Bhiwani. He continued as such up to 12-10-1998. On 9-10-1998 he was granted three days leave up to 12-10-1998 and when he reported back for joining after availing the said leave on 13-10-1998, he was not allowed to join. In his place Shri Sat Pal has been made to join, who was related to Shri Ram Kishan, E.D. Packer. It is also the contention of the workman that he was assigned duty from 5.00 PM to 9.00 AM including the Government Holidays, Sundays and Saturdays without giving any benefit of leave. As per Circular Letter No. A-1/4/Part time Chowkidar/ RIG dated 5-4-1995, issued by Senior Superintendent, Post Offices, Rohtak Division Rohtak, the part time Night Chowkidar were to be assigned duties from 10.00 PM to 5.30 AM only, but the workman was made to work from 5.00 PM to 9.00 AM because Shri Kapoor Singh, Sub Post Master, Kharak Kalan had been nursing a grudge against him. He was directed in writing to work from 5.00 PM to 9.00 AM. He was also harassed for some other reasons, which he explained to his senior officers. His services were terminated just to accommodate at his place a close relative of Shri Ram Kishan E. D. Packer. In fact, Shri Sat Pal a close relative of Shri Ram Kishan was illegally appointed. On this very ground the workman has sought and intervention of this Tribunal as his termination is against the provisions of the Act.

Management of Post office contested the reference by filing the written statement, Management of the respondent Post Office in its written statement challenged the initial appointment of the workman as part time Chowkidar. In the written statement it is admitted that on 13-10-1998 Shri Sat Pal was appointed as Part time Chowkidar at the place of the workman when he was on leave. It is not denied that Shri Sat Pal is not the close relative of Shri Ram Kishan but it is only said that nothing can be said about this relationship for want of knowledge. Moreover, it is also contended that such appointment is not barred under law. It is also contended by the

management that the Post Office is not an industry and part time chowkidars are not covered under the definition of workmen. The management of Post Office has also mentioned law laid down by the Supreme Court without referring any reference and any case decided by the Supreme Court.

Both of the parties filed the affidavit. They were afforded opportunity of cross-examination but this opportunity was not availed by the parties.

In written statement the management of Post Office has also relied upon some documents that the services of the workman Raghbir Singh were terminated on the basis of his doubtful integrity and inaction but no such documents were filed by the management of the Post Office.

In the present era of service jurisprudence, a part time Chowkidar working at Post Office is a workman. Principle of natural justice is available to the part time Chowkidar as well. In this case Shri Raghbir Singh has worked as Part time Chowkidar for a substantial period regularly from 1-07-1987 to 12-10-1998, more than 10 years. When he was on 3 days leave, his services were suddenly terminated on 13-10-1998 and another person Shri Sat Pal was appointed at his place. The contention of the management is that his services were terminated for his inaction and doubtful integrity. It is also the contention of the management in written statement that he was warned number of times to improve his behaviour but no such evidence was adduced by the management, oral or documentary. There is no iota of evidence, which proves even prima facie the inaction and laxity of the workman to work and which leads his integrity doubtful. Moreover, the manner in which the workman was terminated from the services is an example of arbitrariness of administrative action. When the workman Raghbir Singh returned to the office after availing the leave duly sanctioned, he came to know that another person Shri Sat Pal has been appointed as part time Chowkidar at his place. No notice, no opportunity was given to the workman Shri Raghbir Singh before terminating his services. A whimsical stand has been taken by the management that he was dismissed on his inaction, laxity and doubtful integrity. It is the gross violation of principle of natural justice and at the cost of repetition an example of highest degree of administrative arbitrariness. Shri Sat Pal was appointed on 13-10-1998 was related to Shri Ram Kishan who appointed him. Thus, to give benefit to a relative; the rights of the workman were infringed. Recently, in two judgments namely; State of Andhra Pradesh Versus P. Laxmi AIR-2008 Supreme Court and Deepak Bajaj Versus State of Maharashtra AIR-2008 Supreme Court, the Supreme Court has held that liberty and equality of any person should not only be protected against the executive arbitrariness but against legislative arbitrariness as well. In my view, in this case the department

of Post Office has infringed the right to equality and opportunity, which are the genesis of rule of law and the principle of natural justice of the workman by administrative arbitrariness. Thus, the workman shall be considered to be in service as Part time Chowkidar for all the purposes and his termination from 13-10-1998 is void ab initio. The department of Post Office shall be at liberty to inquire the act of Shri Ram Kishan who is said to appoint Shri Sat Pal his relative as Part time Chowkidar at the place of Shri Raghbir Singh arbitrarily.

Accordingly, the reference is answered that action of the management of department of Posts in terminating the services of Shri Raghbir Singh as Part time Chowkidar w.e.f. 12-10-1998 is arbitrary, illegal, unjust and void ab initio. The workman shall be considered to be in service as Part time Chowkidar for all purposes including back salary subject to enhancement of salary and wages. The Management of Post Office is directed to resume the duties of the workman and to pay the entire back wages within one month from the date of publication of this award. Let the Central Government be approached for publication of the award, and thereafter file be consigned to the record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ 2274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंचार्ज प्रोइस्थेटिस्ट आई. पी. एच.एक्सटेंशन सर्विसेस् डिस्ट्रिक्ट फिटमेंट सेन्टर, पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 9/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-42011/116/2006-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th July, 2008

S.O. 2274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2008) of the Central Government Industrial Tribunal cum Labour Court, No.1 Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Incharge, Prosthetist I.P.H. Extension Services, District Fitment Centre, Patiala and their workman, which was received by the Central Government on 27-7-2009.

[No. L-42011/116/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 9/2008

Shri Randhir Singh S/o Shri Kesar Singh, Village
Wazidpura/Kakrala, Patiala (Punjab)

.....Applicant

Versus

1. Incharge Prosthetist & Orthotist, District Disability Rehabilitation Centre, Jail Raod, Near AETC Office, Patiala.
2. The Director, PDU, Institute for the Physically Handicapped, 4, Vishnu Digamber Marg, New Delhi-110002.

....Respondents

APPEARANCES

For the Workman : None

For the Management : Shri K. L. Behl

AWARD

Passed on :

Central Government vide notification No. L-42011/116/2006-IR (DU), dated 9-1-2009 has referred the following dispute to this Tribunal for adjudication :

“ Whether the action of the management of Incharge Prosthetist I.P.H. Extension services. District Fitment Centre, Patiala in terminating the services of their workman Shri Randhir Singh w.e.f. 17-8-02 is legal and justified ? If not, to what relief the workman is entitled to ?”

2. Case repeatedly called. Workman is not present. No one is also present for the workman. The management filed written statement. The workman is not present despite notice. It appears that workman is not interested to pursue with the present claim in reference. In view of the above, the claim in present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned.

Chandigarh.

10-7-09

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ 2275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्ट्रन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण सं. 2, मुम्बई के पंचाट (संदर्भ संख्या 120/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-41012/96/2001-आई. आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 120/2001) of Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of Western Railway and their workmen, received by the Central Government on 27-7-2009.

[No. L-41012/96/2001-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/120 of 2001

Employers in Relation to the Management of Western
Railway

The Divisional Railway Manager,
Western Railway,
Mumbai Division,
Mumbai Central,
Mumbai 400 008.

And

Their Workmen

Smt. Jankabai Shivram Jagtap,
L/R of Shri Sudhakar Shivram,
Room No. 2, Varma Chawl,
Opp. Navtarun Mitra Mandal,
Shastri Nagar,
Thane-6.

APPEARANCES

For the Employer : Ms. Delilah Fernandes, Advocate

For the Workmen : No appearance.

Mumbai, dated the 30th June, 2009

AWARD

The Government of India, Ministry of Labour by its
Order No. L-41012/96/2001-IR (B-1) Dated 15-11-2001 in

exercise of the powers conferred by clause (d) of sub-sections (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act 1947, have referred the following dispute to this Tribunal for adjudication :

“ Whether the action of the management of Western Railways, Mumbai by dismissing Shri Sudhakar Shivram from the services vide order dated 26-3-1998 is justified ? If not, to what relief the workman is entitled ?”

2. Claim statement is filed by concerned workman at Ex-14 which is replied by first party at Ex-17. Issues are framed at Ex-29 out of those, issue Nos. 1 & 2 are treated as preliminary issues.

3. Though reference was kept for recording evidence no body appeared for second party. Even today, no body appeared to lead evidence for second party. Hence the order :

ORDER

Reference is disposed of for want of prosecution.

Date : 30-06-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ 2276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एनिमल क्वारेन्टाइन सर्टिफिकेशन सर्विसिज के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या 28/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-42012/53/2005-आई.आर. (सीएम- II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.G. 2276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Animal Quarantine Certification Services, and their workmen, received by the Central Government on 27-7-2009.

[No. L-42012/53/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 17th July, 2009

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 28/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Animal Quarantine Certification Services and their Workmen).

BETWEEN

Tamilazhaga Thozhircalai Matrum,
Pothu Thozhilalargal Sangam,
Represented by its President,
Mr. P. Arulmudi,
No. 152, Thambu Chetty Street, 3rd Floor,
Chennai- 600001.

.....I Party/Petitioner

Vs.

1. Union of India,
Represented by Secretary to Government,
Ministry of Agriculture,
New Delhi- 110001

.....I Party/Respondent

2. The Regional Officer,
Southern Regional Office,
Animal Quarantine Certification Services,
Pallikaranai Village,
Chennai- 600 100

.....II Party/Respondent

APPEARANCES

For the Petitioner Union : M/s M. Gnanasekar & K.
Sathiyavel

For the Management : Mr. A. Ashok Kumar

AWARD

The Central Government Ministry of Labour vide its Order No. L-42012/53/2005-IR (CM-II) Dated 5-6-2008 referred the following Industrial Dispute to this Tribunal for adjudication :

The Schedule mentioned in that Order is :

(i) “Whether the management of Animal Quarantine Certification Services comes within the ambit of “Industry” under the I.D. Act, 1947?”

(ii) "If so, whether the demand of Tamizhanga Thozhralalai Matrum Pothu Thozhilalargal Sangam for regularization of S/Shri M. Pitchai Kannu, T.A. Padmini, G. Narayanaswamy and S. Narasimman is legal and justified?"

(iii) "To what relief these workmen concerned are entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 28/2008 and issued notices to both sides. Both sides entered appearance through their respective counsel and filed their Claim and counter Statement as the case may be.

3. The averments in the Claim Statement briefly are as follows :

The dispute is raised by the Regd. Trade Union on behalf of Casual Labourers Viz. M. Pitchai Kannu appointed on 16-08-1982, T.A. Padmini appointed on 1-7-1983, G. Narayanaswamy on 22-3-1985 and S. Narasimman on 3-6-1985. They were discharging various duties like Assisting Electrical and Plumbing work, gardening, cleaning and sweeping of offices and places, assisting in postmortem and disposal and disinfection work, job typing, dairying letters, dispatching, maintaining files, technical registers, postal stamp register, library books, grass cutting work, washing and feeding animals, giving first aid and dressing and watch and ward duty, quarantine work and laboratory work by way of continuous employment and thus they have put more than 20 years of regular service. As per order dated 5-6-1989 in OA No. 184/88 of Central Administrative Tribunal, they were getting equal pay on par with regular Group 'D' employees. Due to not regularizing them, they are not getting service benefits which is not justified. It is against Article 14 and 16 of the Constitution. They are exploited a lot. In the case of casual workmen of Central Cattle Breeding Farm, Alamatti on reference of their regularization to the CGIT, Chennai which failed the High Court in Writ Petition No. 15668/2001 ordered their regularization w.e.f. 19-8-1996. Similar claim of the petitioners has not been so far acceded to. Hence the reference as per order dated 5-6-2008 pursuant to High Court's direction in Writ Petition. It is requested that regularization of workmen's be ordered.

4. The respondents in their Counter raised the contentions, which briefly stated are as follows:

The work of the Second Respondent under the Livestock Importation Act, 1898 inclusively is control of exotic diseases and to certify animals and animal products imported as per health protocol of India. ID Act is not maintainable to the dispute. The workers were granted temporary status from 1-09-1993. When the respondent's

Office was established there was no regular post for the work of casual workers and hence they were engaged as such. There is no fixed allotted duty for them with any designation. They are not doing any manufacturing work and deriving any profit. They do not come under the purview of I D Act. The benefits of Group 'D' employees are not given to them since they are not regularized due to want of vacancy or sanctioned post. Temporary status employees are entitled to benefits under "Casual Labourers (Grant of Temporary Status and Regulation)", Scheme of Government of India, 1993 under which they can be considered for regularization when vacancy arises. New post can be created after work study of the organization which is not justified presently by the work in the organization. They are doing casual nature of work governed by scheme of Govt. of India and hence they cannot claim permanency. Their work is not regular in nature. Each subordinate office under Ministry of Agriculture is independent unit in the matter of regularization. The Respondent establishment is not industry carrying manufacturing process. The claim may be dismissed.

5. Points for consideration are :

(i) Whether the Respondent Management comes within the ambit of Industry ?

(ii) Whether the demand for regularization of workmen is legal and justified ?

(iii) To what relief they are entitled ?

6. The evidence adduced in this I D consists of the testimony of WW1 and Ex.W1 to Ex.W21 on the petitioner's side and on the Respondent's side, the evidence of MW1 and Ex.M1 to Ex.M5.

Point No. 1

7. The respondent though, inter alia, raised contention that the Respondent does not within the purview of and Industry, such proposition does not remain substantiated. Industry "as defined under Clause (j) of Section-2 of the ID Act comprehensively includes a service". The respondent herein is engaged in quarantine certification services. There is nothing to indicate that the same therefore does not come under the purview of industry. The point is therefore only to be answered in the affirmative.

Point No. 2

8. It is argued on behalf of the Petitioner Union that the workmen have completed more than 25 years of service and are at the fag end of service to superannuate. Their duties and responsibilities are perennial. They had

been conferred temporary status and are paid pay equally with that of regular employees. They were appointed initially on casual basis since there were no sanctioned Group 'D' posts created. Evidently the 2nd Respondent had recommended to the 1st Respondent for creation of Group 'D' posts to accommodate the workmen. An analogy of similar regularization of casual workers in Central Cattle Breeding Farm as per order of High Court dated 20-02-2004 in Writ Petition No. 15668/2001 is pointed out as being squarely applicable to the case of the workmen in this I.D. It is admitted by MW1, Dr. Rajiv Khosla regarding the undesirability of continuing the workmen as ad-hoc. The duties of Animal Attendant, Laboratory Attendant, Safaiwala, Gardener, etc. have been admitted as essential for the respondent's service.

9. The arguments on behalf of the Respondent are that the workmen are not regularized due to non-availability of vacancies. The question of regularization does not come in the absence of sanctioned post or vacancy. As under the "Casual Labourers (Grant of Temporary Status and regulation) Scheme of Govt. of India, 1993" they deserve consideration for regularization when vacancy arises. It is still pointed out that merely because an employee has completed 240 days of work in an year he is not to be regularized. It is further pointed out that Court cannot order to create a post. So also Court cannot direct absorption and payment of salaries of regular employees, such being purely executive functions.

10. This is a case in which the 4 workmen entered into service under the Respondent for discharge of essential functions, though casual in relation to the establishment for which there were no sanctioned posts or vacancies. In spite of that being the situation, the fact that they had to be engaged in a casual manner, not shown to be through backdoor is a strong circumstance showing that their appointment was so essential to the functioning of the respondent's establishment. After having put in long years of service of 25 years or so they still continue to be as such though temporary status has been conferred on them which per se entitles them to comparatively better benefits though not wholly equal to those of regular employees. The fact that they have been conferred temporary status as already mentioned by me above is a cogent factor showing that their services are inevitable and they are to continue in service. Evidently, the requisitions have been made before the competent authorities for their regularization in service but the same still remains not considered in their favour. The reason assigned for the same is that there is no sanctioned post or that there is no vacancy. They are in the waiting list for consideration for regularization when vacancies arise. It is the case of the Respondent that in its very office in which the petitioners are working there is no vacancy or sanctioned posts and that for the purpose of

regularization each subordinate office under the Ministry of Agriculture is to be taken as a unit. It is not disputed that petitioners have been continuously working for quite long years, say 25 years or so.

11. On a consideration of the rival contentions what strongly appeals to me is that the case of the workmen is one in which they are to be regularized in service without that process being postponed further. Even the Respondent has no case that they are not required to be continued to be employed. The situation conveys an impression that in spite of the workmen having had long service not merely a service of 240 days in an year with eligibility for being regularized for rendering services which are inevitably necessary in the Respondent's institution, the fact that still they are treated as casuals, of course with some temporary status granted, smacks a bad odour of unfair labour practice followed upon them. It is pertinent to ask as to how long the workmen could be continued as such saying that there is no vacancy or sanctioned posts. In view of the fact that it is very much appealing to whoever it may concern that the workmen are to be regularized in the service at any cost while no sufficient number of posts as is necessary to accommodate them are created for regularizing them. The process of regularization could never be complied unless the executive of the Union, the model employer does anything positive to that end as efficaciously as is needed. While the services of the workmen are indispensable it is only reasonable that they are accommodated by regularization into service. They are also entitled in law to be so regularized. By doing so it can never be violative of the decision of the Supreme Court in Uma Devi's case because their regularization into service will not go against Recruitment rules which is not there already in the service in relation to them or is assailable as backdoor entry persons being absorbed. The question of violation of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 also does not arise because these vacancies are not open for public advertisement, since the vacancies are just ones created or to be created for accommodating the four workmen who under the law are entitled to be regularized which is also in protection of their Right to Life under section-21 of the Constitution as well. On all these considerations, the workmen are entitled to be regularized in service. Therefore, I am to hold that the demand of the Petitioner Union is legal and justified.

Point No. 3

12. In the light of above findings, the workmen are entitled to be regularized into service w.e.f. the date of their completion of 240 days of service within 12 months in the first instance. Such regulation alone could meet the ends of justice from the point of view of workmen since they have been working for 25 years or so with legitimate expectation

of being regularized. Then alone they could reap the fruits of their entire service as available to regular employees in similar services. It is high time that the process of their regularization has not been started yet. It is also well to remember that the action proposed is what has already been envisaged in "Casual Labours (Grant or Temporary Status and regulation) Scheme of Government of India, 1993". While the prerogative of the executive is to be kept intact it has still a duty of seeing to itself as to the necessity of sanctioning posts to cope up with situations warranted by factual scenario and demand of law. No orders as to costs.

13. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 17th July, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :-

For the I Party/Petitioner : WW1, Sri S.Narasimman

For the II Party/Management : MW1, Dr. Rajiv Khosla

Documents Marked :-

On the Petitioner's side

Ex. No.	Date	Description
Ex.W1	28-07-1989	Order issued by the 1st Respondent regarding pay scale of Group 'D' post plus dearness allowance.
Ex.W2	28-11-1994	Grant of Temporary status by the 1st Respondent
Ex.W3	22-04-1998	Lab. Attendant Training Certificate of Narasimman issued by the 2nd Respondent.
Ex.W4	28-06-2001	Certificate of Registration of Trade Union.
Ex.W5	23-09-2004	Application for Union Membership and Receipts.
Ex.W6	08-10-2004	Petition filed by the Union under Section-2(K) of the ID Act, 1947.
Ex.W7	20-12-2004	Counter Statement in IA No. M8/62/2004-D2.
Ex.W8	5-01-2005	Rejoinder by the Union.
Ex.W9	27-01-2005	Additional Counter Statement filed by the Respondent.
Ex.W10	22-02-2005	failure Report.
Ex.W11	10-04-2005	Union Receipts.

Ex.W12	18-10-2005	Identity Card in the name of Pichai Kannu issued by the 2nd Respondent.
Ex.W13	18-10-2005	Identity Card in the name of Padmini.
Ex.W14	18-10-2005	Identity Card in the name of G. Narayanasamy.
Ex.W15	18-10-2005	Identity Card in the name of S. Narasimman.
Ex.W16	08-11-2005	Judgment in WP No. 35230/2005.
Ex.W17	10-11-2005	Union receipts.
Ex.W18	30-11-2005	Lawyer's notice regarding implementation of order dated 08-11-2005 in WP No. 35230/2005.
Ex.W19	30-01-2006	Order issued by the Ministry of Agriculture.
Ex.W20	03-05-2007	Order in Special Leave to Appeal (Civil) No. (S) 6715/06
Ex.W21	02-07-2008	Order in Rev. Application No. 31/2008.

On the Management's side

Ex. No.	Date	Description
Ex.M1	-	Manual on Animal Quarantine and Certification Service India.
Ex.M2	28-07-2009	Recruitment of Casual Workers and persons on daily wages.
Ex.M3	27-11-1994	Grant of Temporary Status to Casual Workers under the Scheme.
Ex.M4	22-08-1994	Creation of Group B, C & D Posts at Animal Quarantine Station.
Ex.M5	17-01-1995	Creation of Group B, C & D Post at AQCS, Madras.

नई दिल्ली, 27 जुलाई, 2009

का.आ 2277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 75/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-12012/85/97-आई आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/98) of the Central Government Industrial Tribunal-cum-Labour Court, No.1 Chandigarh as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 27-7-2009.

[No. L-12012/85/97-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 75/98

Shri Gurjant Singh, C/o General Secretary, Trade Union
Council, Patiala-147001

.....Applicant

Versus

The Regional Manager, State Bank of India, Bank
Square, Sector-17, Chandigarh-160023

.....Respondent

APPEARANCES

For the Workman : Sri R. P. Rana

For the Management : Sri Ashok Khullar

AWARD

Passed on 15-7-09

By exercising its powers under Section 10 of the Industrial Disputes Act, (hereinafter referred to as an Act), the Government of India vide Notification No. L-12012/85/97-IR (B-1) Dated 29-12-97, referred the following industrial dispute for adjudication.

“ Whether the action of the management of State Bank of India in terminating the services of Sh. Gurjant Singh w.e.f. 17-1-96 is legal and justified? If not, to what relief the concerned workman entitled to and from what date ?”

After receiving the reference, parties were summoned. Workman filed his statement of claim with the facts that he was engaged as peon by the management of the bank on 21-6-93 and his services were terminated on 19-1-96 without any notice, charge-sheet, inquiry or retrenchment compensation. He was getting a salary of Rs. 600 per month at the time of termination.

On the other hand, the management of the bank questioned the employer-employees relationship between the workman and the bank. It was contended by the bank that workman was not engaged or appointed by the bank nor was he getting the salary of 600 per month. He was working at a tea stall in front of the bank building and was serving tea to the bank employees. In this capacity some Xerox work of some documents of the bank was carried through him and in fact there was no master and servant relationship between them.

On perusal of the pleadings of the parties, the main question for determination before the Tribunal is whether there had been employer-employee relationship between workman and the management of State Bank of India ?

The Supreme Court of India in 2008 LLR 801, GM, ONGC, Shilchar Vs. ONGC Contractual Workers Union, has laid down the criteria to establish the direct employer-employee relationship between workman and the management of any organization. If we apply the ratio of GM, ONGC's case (Supra), the workman has to prove the following facts to establish the employer-employee relationship

1. That there existed the relationship of master and servant between the workman and the management of State Bank of India.
2. That the management of the State Bank of India used to supervise the alleged work assigned to the workman.
3. That the management of the State Bank of India took some disciplinary action such as called for explanation etc. of the workman.
4. That the workman was paid wages by the management of State Bank of India directly and not through any person.
5. That the wages were paid directly to the workman by the management of State Bank of India and the acquaintances of pay roles were prepared by the management of State Bank of India to make the payment good.

In the present case, it is admitted by the workman that his name was not sponsored by the employment office. He was not appointed against any advertisement. No appointment letter was given to him. It is the contention of the workman that he was paid the salary in cash only by the Branch Manager. No attendance was marked nor has he put-in his signature of any of the document of the bank. It makes abundantly clear that the workman was not appointed by the bank nor his attendance was marked anywhere for the purpose of calculating his salary/wages.

The workman relied on some documents relating to Mangla Commercial College. The nature of documents shows that these documents were prepared for the purpose of preparation of bills of Xerox work relating to State Bank carried on and executed by Mangla Commercial College. The witness of the management in his cross-examination has stated that this Xerox work was conducted by employee of the bank but in certain cases, it was get done through the non employee of the bank. Thus, the documents relied upon does not create any substantial right to the workman to prove that he was directly working with the bank. Apart from these documents, there are two certificates given by Ujagar Singh & Corporation regarding the good character of the workman. These certificates do not indicate to create any employer - employee relationship between workman and the bank.

The workman has failed to place any cogent or substantial evidence to prove even prima facie that he was working with the bank. Thus, there is no evidence on record to prove the master and servant relationship between the workman and the management of State Bank of India. There is no evidence as well to prove that the workman was working under the administrative control of the bank. In failure of proving the appointment, administrative control and the payment of wages, I am of the view that there existed no master and servant relationship between the workman and the bank. Accordingly there was no employer-employee relationship between them. The reference is accordingly answered that neither the workman was employee of the State Bank of India nor his services were terminated by the bank and he is not entitled for any relief. The Central Government be approached for publication of the award and thereafter, file be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ 2278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 1/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-22012/466/2004-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of M/s. ECL, and their

workmen, which was received by the Central Government on 27-7-2009.

[No. L-22012/466/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

Present : Sri Manoranjan Pattnaik, Presiding Officer.

REFERENCE No. 1 of 2006

Parties : The Industrial Dispute between the management
BMP Group of Mines, ECL

Vrs.

Their Workman

REPRESENTATIVES

For the Management : P. K. Das, Advocate

For the union (Workman) : None

Industry : Coal

State : West Bengal

Dated the 29-06-2009

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/466/2004-IR (CM-II) Dated 23-12-2005, has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the demand of Koyla Mazdoor Congress over regularization/Promotional benefit to Shri Ram Prabesh Chouhan w.e.f. 25-11-1999 (date of first promotion) instead of 19-2-2002 actual promotion granted to him as Mechanical Fitter, Category-V is legal and justified ? If yes, to what relief he is entitled ?

2. On receipt of the Order No. L-22012/466/2004-IR (CM-II) Dated 23-12-2005 of the above mentioned reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 1 of 2006 was registered on 4-01-2006 and statutory notice was issued to both the parties.

In response to the notice issued to the parties from the Tribunal both the parties made their appearance. However, without filing any pleadings, the workman Ram Prabesh Chauhan filed application duly signed by him and by the Secretary, INTUC one Sadhusaran Singh to

withdraw the claims. Matter was heard and accordingly it is allowed as no dispute exists any more. It is thus ordered.

Dated the 28-04-2009

ORDER

Let an award be as above and same is passed. Copy of the award be sent to the Ministry of Labour & Employment, Government of India, New Delhi.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ 2279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 57/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-22012/268/2005-आई आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of M/s. ECL, and their workman, which was received by the Central Government on 27-7-2009.

[No. L-22012/268/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Sri Manoranjan Pattnaik, Presiding Officer.

REFERENCE No. 57 of 2006

Parties : Agent, MIC, Jhanjra Project of M/s. ECL,
Loudoha, Burdwan.

Vrs.

The General Secretary, Koyala Mazdoor Congress,
Asansol, Burdwan

REPRESENTATIVES

For the Management : None

For the Union (Workman) : Sri S. K. Pandey, General
Secretary of the Union

Industry : Coal

State : West Bengal

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/268/2005-IR (CM-II) Dated 22-8-2006, has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of MIC, Jhanjra Project under Jhanjra Area of M/s E.C.L. in dismissing Sh. Virendra Roy, T.R. Trainee, U.M. No. 129421 w.e.f. 8-10-2002 is legal and justified? If not, to what relief is the workman entitled?”

2. On having received the Order No. L-22012/268/2005-IR (CM-II) Dated 22-08-2006 of the above mentioned reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 57 of 2006 was registered on 18-09-2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

3. Briefly stated the case of the union is that the workman Sri Virendra Roy, a T.R. Trainee remained absent from duty from 23-4-02 to 12-6-2002 due to his illness. Without giving opportunity in domestic enquiry and second show cause notice the workman was illegally dismissed from service violently the principle of natural justice. Challenging the dismissal order the union urged for his reinstatement in service with back wages.

4. The management without filing written statement participated in the proceeding. In the course of the proceeding, however, an amicable settlement was reached by the parties and a written settlement was filed entailing no formal determination of the scheduled issue. An award making the Agreement a part is required to be passed.

ORDER

Hence an award be and same is passed with the mutual understanding of the parties and the relief is to be regulated by the Written Agreement by the parties which to form part of the Award. Send the copies of the award to the Government of India, Ministry of Labour & Employment, New Delhi for information and needful. The Reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं हिमालयन फॉरेस्ट रिसर्च इंस्टीट्यूट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 चण्डीगढ़ के पंचाट (संदर्भ संख्या 269/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-42012/155/2003-आई.आर. (सी.एम.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.269/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Himalayan Forest Research Institute, and their workmen, received by the Central Government on 27-7-2009.

[No. L-42014/155/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 269/2004

Shri Devi Ram son of Shir Poshu Ram, R/O Village Suka
Kun P.O. Shali, Tehsil Sadar, Mandi (H.P.)

...Applicant

Versus

The Co-Ordinator, Himalayan Forest Research Institute,
Shimla (H.P.)

...Respondent

APPEARANCES

For the workman : Shri Arun Batra
For the Management : Shri Sanjay Goyal, AR

AWARD

Passed on 14-7-09

Government of India vide No. L-42012/155/2003/IR(CM-II) Dated 19-07-2004 by exercising its powers under Section 10 of the Industrial Disputes Act, (hereinafter referred to as an Act), referred the following industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of the Forest Research Institute now known as Himalayan Forest Research Institute, Shimla Hills (HP) in terminating the services of Shir Devi Ram, Chowkidar-cum-Mali w.e.f. 14-10-98 without notice and without any payment of retrenchment compensation and retaining his junior in service is legal and justified? If not, to what relief the concerned workman is entitled and from which date?

After receiving the reference, parties were summoned. They appeared and filed their respective pleadings and evidence. It is the contention of the workman that he was appointed by the respondent as Chowkidar-cum-Mali in 17 Hill Nursery, Rampur Vihari in the month of May, 1991 and served the respondent under Forest Guard, Conifers, Research Station, Rampur District Kullu (H.P.) till October, 1998. He had completed 240 days of work in every calendar year he has worked with the respondent. His services were terminated by verbal order on 14-10-1998 conveyed through the Forest Guard without following the mandatory provisions of law. No notice, one month's salary in lieu of notice or retrenchment compensation was paid to him before his termination, and accordingly, action of respondent is void being in violation of the provisions of Section 25H and 25G of the Act. Juniors to him were retained in service, whereas, his services were terminated without complying the mandatory provisions of the Act.

On the other hand the respondent raised preliminary issues that respondent is not an industry and the dispute of the workman and the respondent is not an industrial dispute under the provisions of the Act. It is also contended by the respondent that the claim is delayed by six years and on this very ground the claim of the workman is liable to be dismissed.

On merits, it is contended by the respondent that the workman was engaged as casual labour for casual/seasonal work and his services were taken intermittently. He worked with the respondent up to 29-03-1998 when he left the work of his own. While directed to adduce oral and documentary evidence, the respondent also took a plea that from November, 1992 to February, 1993 the workman himself worked as a contractor to provide the services. From October, 1992 onwards workman worked through a contractor. The workman was cross-examined by the learned counsel of the respondent on 23-04-2007, whereas, Shir Manoj Bhiak was cross-examined as MW-I by the learned counsel of the workman on 16-10-2008. Vouchers and copies of payment scrolls were filed by the management from June, 1991 to March, 1998. From April, 1998 onwards

relevant documents have not been placed on record containing the name of workers employed by the respondent as casual labour.

I have heard learned counsel of both of the parties. Respondent has also preferred to file the written submissions, which are on record. I have perused the written submissions and all the material on record.

The main issues in the reference are:—

1. Whether the respondent is an industry?
2. Whether the workman was directly appointed by the respondent or his services were taken on contract or through a contractor?
3. Whether there is any delay in raising the industrial dispute, if yes, its effects?
4. Whether the workman himself abandoned the services on 29-03-1998, if yes, its effects?
5. Whether the workman is entitled for any relief?

On perusing the entire material and evidence on record I am of the view that respondent is an industry as per the definition of industry given in the Act. I am also of the view that dispute in between the workman and the respondent is an industrial dispute and this Tribunal has the jurisdiction to dispose of the same. I am further of the view that workman was appointed as casual labour by the management in the year 1991 and he served the respondent up to 14-10-1998. His services were terminated against the provisions of the Act and the act of the management in terminating the services of the workman is illegal being violative of the provisions of the Act. The workman is entitled for the relief of reinstatement into the services with full back wages.

The reasons of my findings are as follows :—

1. On the basis of the acts done and activities carried on by the respondent, I am of the view that the respondent is an industry. It is true that respondent is a research institute but as per the ratio of the judgment of Supreme Court in Bangalore Water Supply & Sewerage Board Versus A. Rajappa's case, AIR 1979-548 every research institute cannot claim exemption from the definition of industry. In the above mentioned case Supreme Court has defined the term "industry" elaborately and in my view the respondent, according to the view taken by the Apex Court is an industry.

2. Just after the termination of the services of the workman, he preferred a petition before the Central Administrative Tribunal for appropriate remedy. His petition was dismissed for want of jurisdiction. Thereafter, the workman preferred a Writ Petition before the High Court and the same was too dismissed on the grounds that

equally efficacious remedy was available to the workman under the provisions of the Act. Without delay the workman raised the industrial dispute and on account of failure of conciliation, Central Government referred this industrial dispute for adjudication to this Tribunal. Thus, right from the day of his alleged termination, the workman has tried to resort the jurisdiction of different Forums but unfortunately he opted the right Forum after moving the petition unsuccessfully before two Forums. In the eyes of law it cannot at all be said that industrial dispute was raised late. It was a continuous process taken by the workman for redressal of his grievances before the different Forums and this cannot be a ground for delay that he opted two Forums having no jurisdiction. Just after his petition being dismissed by the High Court, he raised the industrial dispute and that is before this Tribunal for adjudication. Thus the claim of the workman is not barred by delay and laches.

3. The third important issue on which this Tribunal has to applied his brain is whether the workman had abandoned his services on 29-03-1998. It is the plea of the respondent that the workman voluntarily surrendered his services and left the job on 29-03-1998. Contrary to it the workman has claimed that he worked up to 14-10-1998. Respondent was directed to file all the copies of vouchers and attendance register. The respondent filed all the copies of attendance registers up to March 1998 only. What prevented the management to file the copies of the attendance register for the month of April to October 1998 is not clear. From May, 1991 to March, 1998 all the copies of attendance register are available but the copies of attendance register from April 1998 to October 1998 have not been filed. It is not the contention of the respondent that from April 1998 no daily casual worker had worked and served the management of respondent. It is also not the contention of the respondent that the documents pertaining to April 1998 to October 1998 are not available or destroyed. Thus, this failure on the part of management gives a cause to this Tribunal for taking adverse inference that the management has not deliberately filed the documents to escape from any liability, which can be incurred and imposed by this Tribunal under the provisions of the Act. Now the question is what should be the nature of adverse inference? There can be one possible nature that it will be presumed that workman worked up to 14-10-1998.

Right from the date of his termination the workman is running from pillar to post from one Forum to another to get his grievances redressed. It is also a strong fact to be considered by this Tribunal when the issue of abandonment of his services is being disposed of. It is not whimsical to believe that a person who is trying to redress his grievances for the last 11 years had not abandoned his services voluntarily. This probability can be rebutted by the

management by filing and adducing some cogent evidence like the copies of the attendance register for the period of April 1998 to October 1998 not having the name of workman Daya Ram, but the management's reason known to it, failed to file the copies of attendance register from April 1998 to October 1998, whereas, copies from 1991 to March 1998 have been filed. Under such circumstances, I am of the view that workman had not abandoned the services on 28-03-1998 but his services were terminated by the management.

4. The management in his written statement, affidavit, which was considered as a chief-examination, cross-examination and written submission, has taken different stands. The management has categorically admitted in his written statement (para no. 1) that he was engaged as casual daily labour for casual/seasonal/intermittent nature of available work. The same facts find place in affidavit of Shir Manoj Bhaik, MW-1. But in cross-examination he has taken U turn and stated that the services of the workman were taken through contractor. He has also stated in his cross-examination that sometimes he has also worked as a contractor himself. This stand also find place in written submission given by the management. In third last para of MW-1, the witness of the management has accepted that the workman was a casual labour in Nursery. On nature of the services rendered by any workman, Supreme Court of India in 2008-LLR-801, GM, ONGC Silchar Versus ONGC Contractual Union's case has laid down certain criteria. As per the ratio of the above mentioned judgment, to consider the issue of direct relationship between the workman and the management, it is necessary to establish that there existed a master and servant relationship between the two, wages were paid by the Management to the workman and there was administrative control of the management over the workman. On perusal of all the material on record, it is proved even beyond reasonable doubt that workman was engaged as a daily casual worker by the management and the wages were paid by the management to the workman directly and he was under the administrative control of the management. There are certain documents filed by the management, which shows certain works were discharged on contract. In this work no name of any workman is mentioned. These papers seem to be an administrative arrangement for certain work carried on by the management but it has no concern with the services of daily casual workers. Thus, on the basis of above observation, I am of the view that the workman was directly engaged (appointed) as daily wage worker by the management and he worked continuously up to 14-10-1998. On perusal of entire material on record it is evident that in every calendar year the workman has completed 240 days with the management and he is under the embargo of protection of the provisions of the Act.

5. It is admitted that before termination, no notice one month wages in lieu of notice or retrenchment

compensation was given. It is against the provisions of the Act which made the termination of the workman void ab-initio.

6. The workman also contended that junior to him were retained in service/fresh hands were recruited. The workman has referred the name of 4 persons. It has come to the notice of the Tribunal that all the 4 persons named by the workman were recruited as per the rules of the department as Forest Guards on the basis of a written test and interview conducted by the respondent. The workman has failed to prove that any junior to him was retained in services.

7. It is the claim of the workman that his services should be regularized. It is not the reference referred to this Tribunal. This Tribunal is bound by the reference whether the termination of the workman is void? There is no bar of termination of services of any casual rated worker but it is regulated by the provisions of the Act. Meaning thereby services of any daily rated worker can be terminated by the management but according to the provisions of the Act. The management failed in complying with the provisions of the Act before termination of the services of the workman which made the termination illegal and void. This Tribunal can only consider the consequential remedy available to the workman.

When the termination has been declared void being against the provisions of the Act, there are two possible remedies available to the workman. The first remedy is to reinstate him into the services with or without back wages, and the second remedy is a reasonable compensation, which should be calculated on a reasonable criteria. On the basis of the facts and circumstances of the case and also applying the sound principle of service jurisprudence that right to work should be protected, I am of the view that reinstatement into the services of the workman with full back wages is the appropriate remedy. Accordingly, the management is directed to reinstate the workman with full back wages within one month from the publication of this award. Let the Central Government be approached for publication of the award, and thereafter, file be consigned to the record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2281.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट (संदर्भ संख्या 308/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-20012/197/2000-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.308/2000) of Central Government Industrial Tribunal-cum-Labour Court, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 27-7-2009.

[No. L-20012/197/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of I.D. Act.

Reference No. 308 of 2000

Parties : Employers in relation to the management of
Nichitpur Colliery of M/s. BCCL.

AND

Their workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri H.Nath, Advocate.
For the Workman : Shri B.N. Singh, Advocate.
State : Jharkhand. Industry : Coal.

Dated the 13th July, 2009

AWARD

By Order No. L-20012/197/2000-(C-I) dated 18-10-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:—

“Whether the action of the management of Nichitpur Colliery of M/s. BCCL in not considering the date of birth of Sri Rameshwar Gope as 1-2-52 and superannuating him from the service w.e.f. 1-7-97 is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the concerned workman is that he had been working as Mining Sirdar in Nichitpur Colliery under Sijua Area No. V of M/s. BCCL for long to all satisfaction of the management. The actual date of birth of the concerned workman as 1-2-52 is written in statutory Form ‘B’ Register of the colliery and his said actual date of birth is written in his School Leaving Certificate. It has further been stated that his said actual date of birth as 1-2-52 is written in Identity card issued to him by the management and his actual date of birth as 1-2-52 is written in his statutory Mining Sirdarship Certificate.

Apart from that his actual date of birth as 1-2-52 finds mention in seniority List published by the Dy. C.P.M. of Sijua Area vide Ref. No. BCCL/SA/PD/3A/267 dated 19-4-97. In the service excerpt issued to the concerned workman in May, 1987 his date of birth has been mentioned as 1-2-52. Over and above, the position indicated by documents referred above certifying actual date of birth as 1-2-52 of the concerned workman the endorsement made by the Project Officer of Nichitpur Colliery in his letter dated 29-6-97 i.e. issued only one day earlier to the date of superannuation of the concerned workman having been effected from 1-7-97, certified his actual date of birth as 1-2-52. But most surprisingly, the concerned workman was superannuated w.e.f. 1-7-97 by giving one day prior notice which is illegal, arbitrary and unjustified. In view of the above facts and circumstances it has been prayed that the concerned workman be reinstated in service with continuity of service, back wages and other consequential benefits for the idle period from 1-7-1997.

3. The case of the management is that Rameshwar Gope was appointed on 14-11-72 and later on regularised as Mining Sirdar on 29-11-79 after obtaining Mining Sirdar Certificate. At the time of the appointment he declared his date of birth as 7-11-1935, which was recorded in C.M.P.F. record of the Company, in the Old Form ‘B’ register of the colliery. After his employment, he declared his age as 36 years as on 1973. As per the provisions of Mines Act Form ‘B’ Register is a statutory record and the entries made in the register on the basis of the declaration is a legal declaration and can not be challenged. The concerned never submitted School Leaving Certificate before the management, it appears for the purpose of procuring the Mining Sirdarship Certificate, he obtained the School Leaving Certificate from the Higher Secondary School, Barkatha, Hazaribagh. This certificate he obtained after he came into the employment of M/s. BCCL. The concerned workman was rightly superannuated from his service on 1-7-97 after completing the age of 60 years. The INMOSSA raised an industrial dispute before the A.L.C.(C) vide letter dated 2-7-97 regarding the age of the concerned workman for the first time. The Project Officer vide letter dated 23-10-97 explained the facts of the case to the A.L.C.(C), Dhanbad and prayed for dropping the same. The raising of this dispute after retirement makes the demand a stale demand, which is not maintainable in view of the various decisions of the Hon’ble Supreme Court and different High Court. It has been prayed that as award be passed holding that the action of the management in superannuating the concerned workman w.e.f. 1-7-97 is justified and the concerned workman is not entitled to any relief.

In rejoinder the management has also stated the same thing as has been stated in the written statement.

In rejoinder to the written statement of the management, the workman has stated almost same thing which has been stated in his written statement.

4. The concerned workman, Rameshwar Gope, has produced himself as WW-1 and has proved documents Exts. W-1 to W-6 and also has proved the xerox copy of Mining Sirdarship Certificate, which has been marked as 'X' for identification.

The management has produced MW-1-Babulal Turi who has proved documents as Exts. M-1 to M-4.

5. The main argument advanced on behalf of the workman is that his date of birth is 1-2-52 which finds mention in the management's statutory Form 'B' Register, and also in his school leaving certificate, in his Identity Card issued by the management and in his statutory Mining Sirdarship Certificate his date of birth is mentioned as 1-2-52. His same date of birth is also mentioned in provisional and final Seniority List of Mining Sirdars placed in Tech. & Supervisory Grade 'C' as 1-2-52. His date of birth as 1-2-52 finds mention in the carbon copy of service excerpt issued to him by the management and computerised Identity Card issued to him by the management in 1993 finds mention his date of birth as 1-2-52. But the management has illegally superannuated the concerned workman w.e.f. 1-7-97.

5. The learned counsel of the management argued that after his employment the concerned workman declared his date of birth as 7-11-1935, which was recorded in C.M.P.F. record, and other registers and after his employment, he declared his age as 36 years as on 1973. He procured the school leaving certificate after he came to the employment for reference of his date of birth.

In this respect the concerned workman has proved documents, school leaving certificate and other certificates, Exts. W-1, W-2 and W-3. Moreover, provisional and final seniority list of Mining Sirdars placed in T & S Grade 'C' which have been marked Exts. W-4 and W-5 in which his date of birth has been mentioned as 1-2-52. The originals of these two exhibits were called for from the management but they have not been produced. Computerised Identity Card in original issued to the concerned workman in 1993 which has been admitted by MW-1 and marked as Ext. W-1 shows his date of birth as 1-2-52. Mining Sirdarship Certificate issued to him by the DGMS in 1979, marked 'X' for identification, which shows his date of birth as 1-2-52. The service excerpts of the concerned workman proved by MW-1 is Ext. M-2 which totally and in all essentiality tallies with Ext. W-3 and in both to these Ext. M-2 and Ext. W-3 his date of birth is mentioned as 1-2-52. As regards xerox copy of Mining Sirdarship Certificate of the concerned workman containing his actual date of birth as 1-2-52 which has been marked 'X' for identification is to be treated as authentic as per Exts. W-1, W-5 and W-6 being computerised Identity Card of the concerned workman issued to him in 1993, provisional and final seniority lists of Mining Sirdars, all containing his actual date of birth as 1-2-52, prepared on the basis of Mining Sirdarship

Certificate and Ext. W-2 being notice of superannuation. In this respect the management's witness admitted that the superannuation notice was issued to the concerned workman only two days before his retirement which shows that this superannuation notice was issued frequently without going through the actual date of birth. The management has not produced any document which may show that the date of birth of the concerned workman is 7-11-35 on which basis they have superannuated him in 1997.

6. The management's witness, MW-1, Babulal Turi, has stated in this computerised card relating to the concerned workman his date of birth is mentioned as 1-2-52, marked Ext. W-1 and in the seniority lists relating to the concerned workman the date of birth is mentioned as per the Mining Sirdarship Certificate and not as per Form 'B' Register.

7. Service Excerpt, Ext. W-3, carbon copy, which shows his date of birth is 1-2-52, the original has not been filed the reason best known to the management so that Form 'B' Register may be compared which has been filed by the management. The Mining Sirdarship Certificate issued by D.G.M.S. also shows his date of birth as 1-2-52. The school leaving certificate, Ext. W-4, shows his date of birth as 1-2-52 and the letter written by the management on 1-7-97 also shows that his date of birth is 1-2-52. There is not a single document which has been filed by the management to show that the date birth of the concerned workman is 7-11-35 on which basis the concerned workman was superannuated.

8. In view of the above facts and circumstances it shows that the action of the management of M/s. BCCL in not considering the date of birth of Rameshwar Gope as 1-2-52 and superannuating him from the service w.e.f. 1-7-97 is not justified. Hence, the concerned workman is entitled to full back wages till his retirement treating his date of birth as 1-2-52.

In the above manner the award is passed.

H. M. SINGH, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2282.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 91/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-20012/530/1998-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.91/1999) of Central Government Industrial Tribunal-cum-Labour Court, No. I Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 27-7-2009.

[No. L-20012/530/1998-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

PRESENT

Shri H.M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

Referene No. 91 of 1999

Parties : Employers in relation to the management of Civil Engineering Division of M/s. BCCL and their workman.

APPERANCES

On behalf of the workman : Mr. N.G. Arun,
Authorised
Representative of
R.C. M.S. Union.

On behalf of the employers : Mr. D.K. Verma,
Advocate.

State : Jharkhand. Industry : Coal.

Dated, Dhanbad, the 7th July, 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/530/98-C-I, dated 17th May, 1999.

SCHEDULE

“Whether the action of the management of Civil Engineering Department of M/s. Bharat Coking Coal Limited in not accepting the date of birth of Shri Makbool, Pump Operator as 11-1-1942 in place of 10-3-1938 on the basis of various service records or denial to send him for age determination before Medical Board/Age Determination Committee is proper and justified? If not, to what relief the workman is entitled?”

2. The case of the workman as disclosed in the Written Statement filed by the Union is that the concerned workman Shri Makbool was appointed on 9-3-1960 by the erstwhile employer M/s. East India Company. Thereafter all the collieries were nationalised with effect from 1-5-1973

under the provision of the Coal Mines (Nationalisation) Act., 1973, and later on formation of the set up of M/s. BCCL with its headquarters at Koyala Bhawan, Koyala Nagar (Saraidhella), Dhanbad the concerned workman was transferred and posted at Civil Engineering Department, Koyala Nagar, Dhanbad under direct control of General Manager (Construction), His personal No. was 00164632, Identity Card No. was 07976 and C.M.P.F. No. was C/294632. In the year 1987 the Administrative Department of the management issued a Service Excerpt in which his date of birth was mentioned as 11-2-1942. His date of birth was shown as 11-2-1942 in the laminated Identity Card which was issued by the Administrative Department of Koyala Bhawan. It has been stated on behalf of the workman that entire date about his date of birth, date of appointment and service particulars including his family details have also been computerised in the memory of computer along with other employees of the management. In this particular place also, his date of birth has been kept preserved as 11-2-1942. It has been further stated that these service particulars were maintained as per instruction of JBCCI No. 76 of NCWA. In the original Form B register of owner's period his date birth had been recorded as 11-2-1942 which was recorded at the time of his appointment at Jealgora Colliery under ownership of M/s. East India Company. All of a sudden the workman concerned came to know that his date of birth has been changed in place of 11-2-1942 by inserting a wrong date of birth in computer and other records of the company. When the concerned workman came to know that some concocted papers were prepared and fictitious date of birth has been entered in place of his actual date of birth he started knocking every door but all his efforts went in vain.

Although the date of birth of the concerned workman has been recorded every where as 11-2-1942 yet he was illegally, arbitrarily and whimsically prematurely superannuated from the services of the management of M/s. BCCL w.e.f. 10-3-1998. It has been submitted that the action of the management for illegal stoppage of Shri Makbool from the services of M/s. BCCL without following any yardstick of superannuation violated the Certified Standing Order of the management of M/s. BCCL framed under Industrial Employment Standing Orders, Act, 1946. Accordingly the Union of the concerned workman has prayed to pass an Award directing the employer to reinstate Shri Makbool, Ex-Pump Operator in services of M/s. BCCL with retrospective effect by accepting his date of birth as 11-2-1942 with wages including other fringe benefits.

3. In the Written Statement filed on behalf of the management it has been stated by them that the present reference is not maintainable either in law or on facts. The present industrial dispute was reised by the union at the fag end of the service period of the concerned workman. It has further been submitted by the management that the concerned workman was appointed by the erstwhile owner

of Jealgora Colliery and the said colliery was subsequently nationalised. In the Form B Register of Jealgora Colliery the date of birth of the concerned workman was recorded as 10-3-1938. The Form B Register is a statutory document maintained under Section 48 of the Mines Act and the entries made therein in respect of Bio-Data of the workman is final. According to the date of birth recorded in Form B Register of Jealgora Colliery, the concerned workman reached the age of superannuation on 10-3-1998 and accordingly, he was superannuated with effect from 10-3-1998. Therefore, the superannuation of the concerned workman is legal and justified.

It has been submitted on behalf of the management that as per implementation Instruction No. 76, the age of a workman concerned is used to be determined provided that where there is a variation in the age recorded in the records of the Company i.e., in Form B Register, C.M.P.F. records by the Agent Determination Committee/Medical Board. There is no variation in the above records regarding the age of the concerned workman. It has been prayed by the management to pass an Award rejecting the claim of the concerned workman.

4. Both the parties have filed their respective rejoinders in which both of them have admitted and denied the contents of each other's Written Statement.

5. Management in order to substantiate their claim have produced Mr. S.K. Singh who has been examined as MW-1 and he has proved documents marked as Exts. M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9 and M-10. Workman side in order to substantiate the case of the concerned workman has produced Makbool, the concerned workman who has proved documents marked as Exts. W-1 and W-2.

6. Main argument advanced on behalf of the concerned workman is that the date of birth of the concerned workman should be 11-2-42 instead of 10-3-38. It has been argued that Identity Card has been issued by the management mentioning date of birth as 11-2-42. The Identity Card is marked as Ext. W-1. It has also been argued that in the Service Excerpt marked as Ext. W-2 the date of birth has been mentioned as 11-2-42 and he has been wrongly retired on 10-3-98 treating his date of birth as 10-3-1938. In this respect Ld. Counsel for the management argued that his actual date of birth is 10-3-38. He was transferred from Jealgora Colliery under East India Company to Civil Engineering Division and in the Form B Register of Jealgora Colliery his date of birth has been mentioned as 10-3-38 as per Ext. M-10. In this respect Ld. Counsel for the workman has argued that Ext. M-10 is the photo copy of the original and the original Form B Register has not been produced by the management. So it cannot be believed. But there is no force in the argument of the Ld. Counsel of the workman because it has been proved by MW-1 and it has been stated that this Ext. M-10 shows

this was the photo copy of the original Form B Register and it has got done in course of business. It is the statutory document which is maintained by the Coal Company under Section 48 of the Mines Act. So it cannot be disbelieved.

7. Ld. Counsel for the management has also argued that the concerned workman has manipulated his date of birth from 10-3-38 to 11-2-42 when he was transferred to Jealgora Colliery. It has also been argued on behalf of the management that he has received gratuity and C.M.P.F. amount and in C.M.P.F. record also his date of birth is mentioned as 10-3-38. It cannot be in any way disbelieved. Another argument advanced on behalf of the management is that for fabrication of date of birth of the concerned workman from 10-3-38 to 11-2-42 a chargesheet was issued as per Ext. M-2 in the year 6-8-96. This shows that he has fabricated his date of birth from 10-3-38 to 11-2-42. This also proves his fabrication because of the fact that he has joined service on 9-3-60. If his date of birth is considered as 11-2-42, on that very day he just became major attaining age of 18 years and it is not possible that when he has completed just 18 years of age he has got employment because a person when he completes 18 years of age then applies for employment and on consideration, management gives him employment which will naturally take some months to process the matter and then appointment is given, if selected.

8. WW-1 Makbool, the concerned workman has stated at page 2 of his cross-examination "I have received my gratuity after retirement. I had applied for difference of gratuity after NCWA-VI and management paid the difference of gratuity to me. I have received my Provident fund also." He has also accepted that in C.M.P.F. record his date of birth was recorded as 10-3-38 and on that basis the C.M.P.F. Commissioner has accepted his retirement and paid C.M.P.F. amount and on this question the witness keeps mum. It only shows that his actual date of birth is 10-3-38 and he manipulated his date of birth as 11-2-42 for which a chargesheet was issued to him as per Ext. M-4 dt. 28/31-1-94. As per Ext. M-3 also his date of birth has been mentioned 10-3-38.

9. In view of the facts, circumstances and evidence discussed above I have found that the date of birth of the concerned workman has been recorded as 10-3-38 in all the records of the management. Therefore, the concerned workman is not entitled to get any relief. Accordingly, following Award is rendered:—

"The action of the management of Civil Engineering Department of M/s. Bharat Coking Coal Limited in not accepting the date of birth of Shri Makbool, Pump Operator as 11-2-1942 in place of 10-3-1938 on the basis of various service records or denial to send him for age determination before Medical Board/Age Determination is proper and justified. Consequently, the concerned workman is not entitled to get any relief."

H. M. SINGH, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचाट (संदर्भ संख्या 119/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-20012/52/1999-आई.आर.(सी.-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119/1999) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 27-7-2009.

[No. L-20012/52/1999-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD****PRESENT :** Shri H. M. Singh, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 119 of 1999

Parties : Employers in relation to the management of
Block II Area of M/s. BCCL and their workman.**APPEARANCES**On behalf the workman : Mr. N.G. Arun,
Authorised
Representative of the
R. C. M. S. Union.On behalf of the employers : Mr. R. N. Ganguly,
Advocate.

State : Jarkhand Industry: Coal

Dated, Dhanbad, the 8th July, 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/52/99 (C-I), dated the 4th June, 1999.

SCHEDULE

"Whether the action of the management of BCCL in superannuating Shri Uma Shankar Pandey on the basis of original date of birth recorded at the time of his appointment on the grounds that the other date had been got recorded by the workman by manipulation is justified? If not, to what relief the workman is entitled?"

2. The case of the workman as disclosed in the Written Statement submitted on behalf of the sponsoring union is that the concerned workman Shri Uma Shankar Pandey is a permanent employee of Nudkharkee Colliery (now Nudkharkee O.C.P.) with effect from 6-6-1959 and his date of birth is 5-3-1941. He was initially engaged in the colliery in the capacity of a Pump Khalasi. Subsequently he passed Mining Sirdar Certificate Examination and obtained Mining Sirdarship Certificate from the Board of Mining Examination under Coal Mines Regulation, 1957 and he started performing duties of Mining Sirdar in the colliery. Subsequently, the concerned Colliery was taken over by the Central Government and became an Unit of M/s. Bharat Coking Coal Limited w.e.f. 1-5-1973. In course of his employment under M/s. Bharat Coking Coal Ltd., the concerned workman was promoted to the post of Safety-cum-Production Assistant. As per date of birth recorded in the colliery records he should have been allowed by the management to continue in duty till he attains the age of sixty years which would be in the year 2001. However, the management of Nudkharkee O.C.P. by an Office Order dated 27-10-97 stopped the concerned workman from duty without assigning any reason. Prior to his stoppage from duty the management did not issue any show cause or any other notice to the concerned workman. It has been alleged by the union that the stoppage of the concerned workman from duty by the management is arbitrary and illegal as well as unjustified.

Further it has been stated by the Union that when the concerned workman joined duty under the erstwhile employer w.e.f. 6-6-1959 his date of birth was recorded as 5-3-1941 but the said date of birth was never challenged at any stage by the taken over management of the colliery under M/s. B.C.C.L. Accordingly, it has been prayed on behalf of the Union to pass an Award in favour of the concerned workman Shri Uma Shankar Pandey, Safety-cum-Production Assistant of Nudkharkee Colliery allowing him to continue in employment till the year 2001 with direction to the management to pay him his salary and allowances and other consequential benefits from the date of his stoppage from duty with effect from 20-10-1997.

3. In the Written Statement filed on behalf of the management it has been stated that the present reference

is not legally maintainable. The concerned workman was appointed on 6-6-59 and his date of birth in the Form B Register was recorded as 10-5-1937. The concerned workman passed his Mining Sirdar Certificate in the year 1968 and he joined his service as Mining Sirdar at Nudkharkee Colliery after obtaining the Mining Sirdar Certificate. It has been submitted on behalf of the management that the concerned workman got his name recorded as Umapada Pandey S/o Sri Ram Bhuj Pandey in the Form B Register of the company at the initial stage of his appointment. Subsequently he changed his name as Uma Shankar Pandey and changed his father's name as Chatur Bhuj Pandey in the form B Register and got his date of birth manipulated from 10-5-37 to 5-3-41.

When the concerned workman appeared in the Mining Sirdar's examination, he submitted his application after changing his name, father's name and date of birth and, accordingly, in Mining Sirdar Certificate his name has been recorded as Uma Shankar Pandey S/o Chatur Bhuj Pandey and date of birth has been indicated as 5-3-41. Taking advantage of that certificate, he got the Form B Register altered with the idea of continuing more number of years of service after completion of 60 years of age. According to the earlier date birth, the concerned workman was to be superannuated w.e.f. 10-5-97 after completion of 60 years of age but the concerned workman raised the dispute demanding for acceptance of his date of birth as 5-3-41 and to allow him to continue in the service till completion of 60 years taking his date of birth as 5-3-41. Thereafter the local management referred the matter to the headquarters for decision and after the decision it was conveyed by the headquarter to the effect that his date of birth should be taken as 10-5-37 which was initially recorded in the Form B Register and accordingly he was stopped from his duties by way of superannuation and was not allowed to continue further. It has been submitted by the management that the superannuation of the concerned workman on the basis of the date of birth recorded in the Form B Register at the initial stage of employment was legal, valid and justified and the concerned workman is not entitled to get any relief. The demand of the sponsoring union to accept the date of birth recorded in the Mining Sirdar Certificate as 5-3-41 is without any merit and accordingly the concerned workman is not entitled to any relief. It has further been submitted that no workman should be allowed the benefit of manipulation of records made at the time of appearing in the Mining Sirdar Examination or Overman examination or at any point of time. The management have further submitted that the concerned person was working as Safety-cum-Production Assistant and in that capacity he was performing the duties of supervision. He was drawing salary of more than Rs. 1600 per month. Therefore, he is not a workman within the meaning of Section 2(s) of the I. D. Act, 1947 and the present dispute raised by the sponsoring union is

not an industrial dispute. Accordingly the management have prayed to reject the reference summarily.

4. Both the parties have filed their respective rejoinder admitting and denying the contents of some of the paras of each other's Written Statement.

5. In order to substantiate the case of the concerned workman the Union have produced Uma Shankar Pandey, the concerned workman who has been examined as WW-1. He has proved documents marked as Ext. W-1, W-2, W-3, W-3/1 W-4, W-5, W-6, W-7, W-8 and W-8/1. Management side in order to substantiate their claimed have produced Bisharjan Lal Srivas who has been examined as MW-1. He has proved documents marked as Ext. M-1, M-2 and M-3.

6. It has been argued on behalf of the workman that his date of birth is recorded as 5-3-41 in the School Leaving Certificate and Mining Sirdar Certificate but his date of Birth has been mentioned as 10-5-37 in the management's record which is against law. Ld. Counsel for the management had argued that his date of birth recorded as 10-5-37 in all the records of the management has been manipulated by the concerned workman as 5-3-41. In this respect as per Company's records the concerned workman has joined service on 6-6-59 and if his date of birth is treated as 5-3-41 then at the time of joining service the concerned workman was aged 18 years 3 months, it is not possible. It shows and supports the case of the management that his date of birth 5-3-41 has been manipulated. In service Excerpt it has been mentioned that the concerned workman is a middle school passed and it has been signed by the concerned workman. If he was middle school passed and has joined service on 6-6-59 then in that case in the Service Excerpt marked as Ext. W-6 which has been signed by the concerned workman issued by the management in 1987 his date of birth would not have been mentioned as 10-5-37. He has not filed any I.D. Card issued by the management, Ld. Counsel for the workman argued that as per Voter's I.D. Card his age has been assessed by the Election Commission of India as 55 years on 1-1-95. So his age should be assessed as 5-3-41 but there is no ground because of the fact that he has not submitted any document issued by the management which may mention his date of birth as 5-3-41.

7. Another argument advanced on behalf of the concerned workman is that in the Mining Sirdar Certificate his date of birth is mentioned as 5-3-41. This Mining Sirdar Certificate has been issued on 24-5-68 but he has joined service on 6-6-59. It only shows that Mining Sirdar Certificate the date of birth has been manipulated by the concerned workman. The said Mining Sirdar Certificate is marked as Ext. W-2.

8. The concerned workman has not produced original School Leaving Register on which basis School Leaving

Certificate was issued to rely that his date of birth is 5-3-41.

9. Papers filed by the concerned workman i.e. I.D. Card in which his date of birth has been mentioned as 10-5-37 and also in the Form B Register the said date of birth has been mentioned. The concerned workman has admitted in his cross-examination that his date of birth is mentioned as 10-5-37 in the Service Excerpt. It shows that actually his date of birth is 10-5-37. In the Form B Register at Sl. No. 71 which is marked as Ext. M-I his date of birth has been mentioned as 10-5-37. Form B Register is a statutory document which is maintained under Section 48 of the Mines Act and that cannot be ignored. He has also changed his name and parentage by affidavit which shows that he is not reliable person and if he can change his name and parentage then he can change his date of birth.

10. The Representative of the workman has referred to a decision reported in Award Digest V.V.Giri Labour Institute (Vol. XXIX 1-2) Feb, 2003 in which Hon'ble Andhra Pradesh High Court has held the following:—

“Date of Birth — Principles of natural justice : Held the date of birth of an employee could not be altered by the Government, even if they have committed a mistake earlier, without granting an opportunity of being heard.”

He has also referred to another decision reported in Award digest, V.V. Giri Labour Institute (Vol. XXX April, 2004) in which Hon'ble Punjab and Haryana High Court held the following:—

“Industrial Disputes Act, 1947 Sec. 25F - Non-production of records , Held that the party in possession of the documents should produce the same even though the burden of proof may not be on that party. Non-production of record may lead to adverse inference. High Court quashed the finding of the Labour Court that workman worked for 175 days because that was not based on the muster roll, the production of which was withheld by the management.”

The facts and circumstances of those cases are quite different than the present reference.

In view of the facts, evidence, circumstances and citation of rulings discussed above, I find no merit in the claim of the concerned workman. Accordingly following Award is rendered:—

“The action of the management of BCCL in superannuating Shri Uma Shankar Panday on the basis of original date of birth recorded at the time of his appointment on the grounds that the other date had been got recorded by the workman by manipulation is justified. Consequently, the

concerned workman is not entitled to get any relief.”

H.M. SINGH, Presiding Officer.

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट (संदर्भ संख्या 203/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-09 को प्राप्त हुआ था।

[सं. एल-20012/24/2000-आई.आर.(सी.-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.203/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 27-7-09.

[No. L-20012/24/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

PRESENT : Shri H. M. Singh, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(I)(d) of the I.D. Act., 1947.

Reference No. 203 of 2000

Parties : Employers in relation to the management of Industry Colliery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : Mr. C. Prasad, Advocate.
On behalf of the employers : Mr. S.N. Sinha, Advocate.
State : Jarkhand Industry : Coal

Dated, Dhanbad, the 6th July, 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/24/2000 (C-I). dated, the 24th July, 2000.

SCHEDULE

"Whether the action of the management of Industry Colliery of M/s. BCCL in not referring Sri Nandu Saw to Apex Medical Board for ascertaining his date of birth is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the workman as disclosed in the Written Statement filed by the union is that the concerned workman was appointed in services of Coal Industry of the country on 1-7-70. He in proof of his age had submitted horoscope very clearly signifying his date of birth as on 15th day of May, 1946. It has been submitted that after taking over of the coal Mines by B.C.C.L. the date of birth of the concerned workman in their Form B Register was wrongfully and arbitrarily recorded as 12th May, 1940. It is noteworthy that while there was a small variation in the date the year was recorded as 1940 with ulterior motive. The concerned workman being a simple and illiterate person had put his L.T.I. in the register on good faith. It has been alleged by the concerned workman that the upkeep and maintenance of this Form B Register by Coal Companies of BCCL are awfully faulty and have been more than subject matter of challenge in innumerable cases by workman. It has been further stated by the concerned workman that he was transferred to Rescue Station, Dhanbad in the year 1990 and during the tenure of his services here as a Pump Operator he was informed in June, 1998 that his retirement from service was approaching in near future. Being shocked and startled on this information the concerned workman sent a representation to the G.M. Rescue Station as also to the G.M. Kusunda Area indicating the errors in his service excerpt with the request to rectify the same. The representations were sent to the authorities under Regd. Post on 17-6-98. The BCCL people did not give any response to the representations. As the concerned workman failed to get justice from the management he contacted his trade union and the Vice President of Dalit Mazdoor Sangh raised an industrial dispute before the ALC(C) Dhanbad on 31-7-98 and in course of conciliation proceeding along with relevant documents a certificate issued by Mukhia of the Village home of the workman in regard to his actual date of birth was filed. In course of conciliation proceeding the management of Industry Colliery only came forwarded with their comments on 4-11-98. In their comments the management failed to dwell on any of the points raised in the industrial dispute rather they tried to shirk their responsibility and tried to involve the Rescue Station people who were in no way responsible for the misdeeds committed by them. On behalf of the concerned workman it was requested to sent the concerned workman before the Apex Medical Board but this request of the Union was turned down by the management. Ultimately the conciliation ended in failure which resulted

reference to this Tribunal for adjudication. It has been prayed on behalf of the concerned workman to pass an Award for reinstatement of the concerned workman with full back wages and benefits for the forced period of his idleness.

3. In the Written Statement filed on behalf of the management it has been stated by them that Shri Nandu Saw, Haulage Operator was appointed in Industry Colliery on 1-7-1970. His date of birth has been recorded in Form B Register as 12-5-1940. He put his signature/L.T.I. against his name. He was issued I.D. Card subsequently and at the time of issue of I.D. Card he also gave his L.T.I/ Signature as token of correctness of entry made therein. In the year 1987 he was issued a service excerpt in which his date of birth as well as date of appointment were same as entered in Form 'B' Register which is maintained under Section 48 of the Mines Act. In the year 1987 he was given instructions to make objection in case any entry made in all the columns i.e. from 1 to 14 as incorrect. At that time he had the liberty to make objection within 14 days of the receipt of the Service Excerpt. But he failed to do so. However, he returned the same after putting his L.T.I in the bottom of Service Excerpt.

He raised the dispute for the first time before the ALC on 30-7-98 i.e. after 28 years of his appointment when he was having I.D. Card and other particulars with him and there is no variation in recording of date of birth in any of the Statutory Register of the Colliery. While putting his representation he submitted horoscope on the basis of which he made prayer through the Vice President Dalit Mazdoor Sangh i.e. correct date of birth is 15th May, 1946 and accordingly he prayed to the Management for correction of his date of birth as 15th May, 1946 instead of 12th May, 1940.

It has been stated by the management that as per JBCCI Instruction No. 76 only such cases can be referred to Medical Board, where there is variation in recording of date of birth or glaring or apparent discrepancies in recording of date of birth. But in the instant case there is no variation in recording of date of birth and other particulars. So the management did not consider it a fit case to be referred to the Medical Board. As such his demand for referring his case to Medical Board for ascertaining his date of birth is not justified. More so he did not make any protest during 28 years of his service from the date of appointment and at the verge of his retirement he raised such dispute. Management have stated that there are many rulings of Hon'ble Supreme Court in this regard. Accordingly it has been prayed on behalf of the management to pass an Award rejecting the claim to the concerned workman.

4. The workmanside also has filed its rejoinder to the Written Statement of the management wherein they have stated that the statement made in para-1 of the Written Statement of the management are reproduction of schedule of reference and hence required no comments. They have stated that the statement that Sri Nandu Saw, Haulage Operator was appointed in industry Colliery on 1-7-1970 is correct but the statement made with regard to date of birth as mentioned in Form B Register as 12-5-1940 is false and concocted and hence denied. In this connection it has been stated that prior to 1987 the date of birth recorded by the management in Form B Register was as on 15-5-1946 and the same was recorded on the basis of Horoscope of the concerned workman because the concerned workman did not study in the school and so he was not equipped with any academic certificate and the horoscope was the only means/record in respect of his date of birth and this was submitted before the management at the time of appointment before the erstwhile management. It has been stated that the concerned workman is literate upto the extent of signing of his name and he is ignorant of English language. It has been alleged that the date of birth put in service excerpt as on 12-5-1940 has been mentioned with a view to deprive 6 years of service and consequential reliefs and also without going through the previous Forms 'B' Register and records.

It has been stated in the rejoinder of the workman that the service excerpt dated 13-3-1987 is printed in Hindi but required information are in English and the thumb impression is put therein. Nowhere it has been mentioned that it was explained to the concerned workman in Hindi inspite of the fact that the concerned workman put his L.T.I. in service excerpt. As regards to the statement made by the management in their Written Statement that the concerned workman was given instruction to make objection in case of any entry made in all columns i.e. from 1 to 14 is correct. However, it has been submitted by the concerned workman that he sent the objection on 1-6-1987 under Certificate of Posting to the Agent, Industry Colliery and subsequently on 14-1-1989. It has been submitted by the workman that the management has given to understand orally to the concerned workman that his date of birth has been corrected as required by him. But in utter surprise of the concerned workman he was given notice that he was to retire on 1-7-2000.

It has further been stated by the workmanside in their rejoinder that as soon as the concerned workman was given to understand that his superannuation is in the year 1998 he immediatly informed his union to raise an Industrial Dispute with regard to his date of birth. It has been submitted that due to illiteracy and his placement of written objections under certificate of postings the concerned workman did not hand over

these papers to the Union representative at that time and so the averment of the management for raising the industrial dispute for the first time in the year 1998 is imaginary, coercive, vindictive and malafide. The concerned workman has filed objection petition before the management for correction of date of birth vide his letter dated 31-5-87 and sent through under certificate of posting on 1-6-1987 and subsequently vide letter dated 13-1-89 sent on 14-1-89 to the Agent of industry Colliery of M/s. BCCL. It has been stated that the Form 'B' Register and other statutory registers maintained by erstwhile employers if could have been looked into or the position regarding date of birth could have been know to the concerned workman then the matter could have been verified and corrected. It has been prayed by the workman to allow the rejoinder and pass award for correcting the date of birth of the concerned workman as on 15-5-1940 and also allow the back wages with consequential relief and the management be directed to refer the concerned workman to the Apex Medical Board as per 1-1-76.

5. In the rejoinder of the management, they have stated that during the tenure of 28 years of service the concerned workman did not raise any protest for correction of his date of birth on the basis of his horoscope. He put his LTI and was issued I.D. Card in 1974 and he was getting all facilities but did not protest about wrong entry of the date of birth. The claim of the concerned workman for correction of date of birth has been denied by the management and prayer has been made to pass an Award rejecting the claim of the concerned workman.

6. The workmanside in order to substantiate their case has produced the concerned workman Nandu Saw who has been examined as WW-1. He has proved documents marked as Ext. W-1, W-2 and W-2/1. Management side also produced Shri Harendra Kishore, P.M. who has been examined as MW-1. He has proved documents marked as Ext. M-1, M-2, M-3, and M-4.

7. Main argument advanced on behalf of the concerned workman is that he was doing service since 1-7-70 before nationalisation of Coal Industry. The management of erstwhile employer as per rules at that time recorded the date birth of the concerned workman in the Form B Register and other statutory register as 15-5-1946 which was furnished by the concerned workman. After taking over of the Coal Mines, Bharat Coking Coal Ltd. has taken place as Government of India organisation and all the statutory registers of the workman of erstwhile employers were taken over and continued till 1986. In the year 1987 Coal India Limited adopted a principle to prepare service excerpt to the employers of the subsidiaries including the Bharat Coking Coal Limited and the management of BCCL issued service excerpt to workers copying the informations furnished by the workers at the time of erstwhile employers

and the management obtained signature/thumb impression without showing the contents of the service excerpt and in this process the concerned workman put his thumb impression on the prepared service excerpts without getting explained or understood. It has also been argued that in C.M.P.F. and other records date of birth has been mentioned and LTI of the concerned workman has been taken by the Officers of the organisation in Ext. M-2. It shows that Office has filled up Form B and other register and the concerned workman has put his LTI but there is no mention that the contents of service excerpt and Form B Register has been explained to the concerned workman but MW-1 has admitted that the concerned workman is an illiterate person and it has not been written in Ext. M-2 that this has been explained to the concerned workman and after understanding the contents his LTI has been obtained. In service excerpt marked as Ext. M-2 his date of birth has been mentioned as 12-5-40 and in paragraph-7 of the said exhibit educational qualification has been shown as "Literate" but on persual of the next page it will appear that his LTI has been obtained because he was illiterate. The concerned workman was transferred to the Mines Rescue Station in the year 1990 and during the tenure of his service as Pump Operater he was informed in June, 1998 that his retirement date is approaching in near future without replying the request of wrong entry in Form B and other registers. The concerned workman raised dispute by filing a representation to the G.M. Rescue Station and also the Kusunda Area for the removal of the errors in the service excerpt with regard to the date of birth but the management paid no heed to the workman's representation. Thereafter the concerned workman approached the union who raised industrial dispute before the ALC (C) Dhanbad and in conciliation proceeding it has come that according to agreement dated 25-4-88 I.I.76 (NCWA) anomaly cropped up in the date of birth of illiterate worker the matter should be sent to Apex Medical Board but BCCL management could not refer the matter to the Apex Medical Board. Subsequently on failure of conciliation the present reference has been made and referred by the Ministry of Labour, Government of India to this Tribunal for adjudication. The evidence of MW-1 who has proved Ext. M-2 and M-4 shows that the concerned workman has made representations marked as Ext. W-1 to W-2/1 but those representations were not considered for correction of date of birth by referring the matter to the Apex Medical Board. The concerned workman should have been retired on 16-5-2006 but he has been retired prematurely in 2000. MW-1 admitted "It is true that in Ext. M-1 it is mentioned that some manipulation has been done in mentioning of the year of birth of the concerned workman." It shows that some manipulation of date of birth has been done in Ext. M-1 but no heed has been paid by the management on the representation of the concerned workman by referring the matter to the Apex Medical Board for correcting his date of birth as per Horoscope marked as Ext. M-4. The concerned workman filed representation dated 31-5-1987 marked as Ext. W-1 that his date of birth is 15-5-46 but intentionally and wrongly date of birth has been mentioned as 12-5-40.

It was under certificate of posting as per Ext. W-1/1 and another representation dated 14-1-1989 marked as Ext. W-2 under certificate of posting marked as Ext. W-2/1.

8. Management has neither uttered any word nor assigned any reason why the matter has not been referred to the Apex Medical Board for determination of age of the concerned workman and also the management has not believed the genuineness of the Horoscope of the concerned workman marked as Ext. M-4. As per Implementation Instruction No. I.I.76 which is an agreement, it is necessary on the part of the management that when there is anomaly in the matter of date of birth of illiterate worker, in all such circumstances the matter should be sent to the Apex Medical Board and by not following the implementation Instruction No. 76 dated 25-4-88 shows that the management is very much biased and got dictatorial attitude in not referring the matter for determination of age of the concerned workman by Apex Medical Board. In this respect MW-1 has admitted at page-2 of his cross-examination that "I do not know whether in this case any document concerning the period prior to take over of the colliery has been filed or not I do not know whether the concerned workman excepting putting down his signature in Hindi or in English does not know reading or Writing or not. Ext. M-2 bears the LTI of the concerned workman. The authority who has attested the said thumb impression has not mentioned that the contents of the said document were read over and explained to the concerned workman. As per NCWA, it is correct, that the provision was there that in case of discrepancy in the mentioning of the date of birth or age of a particular workman the matter would be referred to the Apex Medical Board for ascertainment of age of that workman. I do not have any knowledge about the raising of any objection by the workman by filing any application in the year 1987." At page 3 of his cross-examination he has stated that "There is no any Form B Register available with the management concerning the period prior to take over and being maintained by the erstwhile owner. The entries made in the Identity Card issued to the concerned workman were as per the Form 'B' Register being maintained by the present management. It is true that in said document Ex.M-1 it is mentioned that it appears that some manipulation has been done in the mentioning of year of birth of the concerned workman." It only shows that in Ext. M-1 manipulation has been done by the management regarding date of birth. Even then the management has not referred the concerned workman for determination of his age to the Apex Medical Board which is unjustified.

9. Ld. Counsel for the management has referred to a decision reported in 2009 (121) FLR 72 in which Hon'ble Jharkhand High Court laid down the following :—

"Date of Birth —Recorded as 21 years at the time of initial appointment on 1-3-1971. Petitioners assertion that date of birth recorded in his matriculation certificate as 21-10-1952 was correct-Medical card and Identity card issued by the respondent company

showing his date of birth as 21-10-1952- At the time of his absorption in service he himself declared his data of birth as 1950 and signed the personal data form -He did not enclose copy of matriculation certificate with the form Maintaining personal data form mandatory-Such form filled and signed by petitioner himself-Binding on employer and employee- Medical card and identity card prepared on basis of declaration by the petitioner without verification- Petitioner cannot take benefit thereof at the fag end of his service."

In the above case the concerned workman has not filed the Matriculation certificate and he himself filled up mandatory form regarding personal data and he signed it himself which is binding on employer and employee. In the present case it appears that the matriculation certificate has been been filed rather the concerned workman is illiterate and he has not himself filled up any mandatory form which has been filled up by the management and there is also no mention of the fact that the above form which has been filled up has been explained to the concerned workman and then he has put his L.T.I.

10. Ld. Counsel for the management has also referred to another decision reported in 2009 (120) FLR 408 in which his Lordship of the Hon'ble Calcutta High Court has laid down the following:—

"Date of Birth - as recorded in the Service Book of the petitioner-employee-Challenge to correctness of the same at the fag end when petitioner was nearing retirement-Held, as per extract of service record of petitioner produced before Court, on 3/4-11-1993 age of petitioner was recorded as 47 years 6 months as on 5-10-1993-Same age recorded in 'B' Form register-No material to show that the petitioner even earlier raised a dispute about his recorded age- No basis at all for the Court to hold otherwise-Writ Petition dismissed."

In the above case the concerned workman raised no dispute with regard to his date of birth before his superannuation but he raised dispute at the time of his superannuation. In the present reference it will appear that the concerned workman had raised dispute with regard to his date of birth long before his superannuation and the management paid no heed to his request.

In view of the above facts, evidence and citation of rulings discussed above I hold that the action of the management of Industry Colliery of M/s. BCCL was not justified in not referring Sri Nandu Saw to Apex Medical Board for ascertaining his date of birth. Accordingly following Award is rendered:—

"The action of the management of Industry Colliery of M/s. BCCL in not referring Sri Nandu Saw to Apex Medical Board for ascertaining his date of birth is not justified. Since the management did not send the concerned workman to the Apex Medical Board for ascertaining his date of birth inspite of the prayer of the concerned workman, the concerned workman is entitled full back wages and consequential relief till 15-5-2006."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

H. M. SINGH, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 1 धनबाद के पंचाट (संदर्भ संख्या 13/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-20012/416/1993-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/1995) of Central Government Industrial Tribunal-cum-Labour Court, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 27-7-2009.

[No. L-20012/416/1993-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference U/S. 10(I)(d) (2A) of I.D. Act.

Reference No. 13 of 1995

Parties : Employers in reation to the management of
Mohuda Area of M/S. B.C.C. Ltd.

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri B.M. Prasad, Advocate.
 For the Workman : Shri D. Mukherjee, Advocate.
 State : Jharkhand Industry : Coal

Dated, the 10th July 2009

AWARD

By Order No. L-20012(416)/93. IR(Coal-I) dated 12-1-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (I) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the demand of the Union from the management to accept the date of birth of Shri Anil Haque, Forman -Incharge of Bhurangia Project recorded as 14 January, 1942 in his Winding Engine Driver IInd Class Certificate is justified? If so, to what relief is the concerned workman entitled?”

2. The concerned workman has written statement stating that he was originally appointed at Amlabad Colliery on 1-7-35 and at the time of appointment his date of birth was recorded in the colliery. The management illegally and arbitrarily tried to superannuate the concerned workman with effect from 1988 on the alleged ground of alleged determination of age by the Medical Board. The concerned workman represented before the management against the illegal and arbitrary proposed superannuation. The management during the course of conciliation proceeding accepted the submission of the concerned workman and agreed to allow him to continue till he reaches the age of superannuation i.e. 60 years. The concerned workman was issued Winding Engine Certificate by the DGMS wherein and whereby his date of birth was recorded as 14-1-1942. As per settled law, policy decision and as per implementation Instruction No. 76 it was mandatory upon the management to accept the date of birth as recorded in the statutory record i.e. winding engine certificate but surprisingly enough the management instead of accepting his date of birth as recorded in the winding engine certificate had forced the concerned workman to allegedly accept the date of birth as recorded in the CMPF record i.e. 1-7-35. During the course of conciliation proceeding the union representative insisted for acceptance of his date of birth as recorded in the winding engine certificate and accordingly it was agreed upon to seek clarification on the authenticity of the winding engine certificate. After the aforesaid settlement the concerned workman represented before the management several times for verifying the authenticity of the submission and to accept the date of birth as recorded in the winding engine certificate but without any effect. An industrial dispute was raised before A.L.C. (C),

Dhanbad, but to adamant attitude of the management the conciliation proceeding ended in failure. The action of the management of not accepting the date of birth of the concerned workman as recorded in the winding engine driver II class certificate was not justified.

It has been prayed before this Tribunal to answer the reference in favour of the workman by directing the management to accept the date of birth of the concerned workman as 14-1-1942 and accordingly he be reinstated in service with full back wages.

3. The written statement has been filed by the management stating therein that the concerned workman is a Supervisor, performing supervising duties and drawing wages more than Rs. 1600 per month. Therefore, he is not a workman and the present reference is not maintainable. The concerned workman was taken over in pursuance of a settlement dated 27-9-1977 for implementation of the Award passed by the Central Government Industrial Tribunal No. 57/75. The concerned workman did not declare his age/date of birth at the time of joining his service in pursuance of the settlement referred above and the column for age/date of birth remained blank. As per the usual procedure, the concerned workman was referred to Apex Medical Board for assessment of his age by medical examination. The Apex Medical Board examined the concerned workman on 21-6-1986 and declared his age as 55 years. The age of the concerned workman was correctly recorded in the Form 'B' register after due verification by the medical examination. The concerned workman or the sponsoring union cannot raise any objection to the age assessed by the Apex Medical Board at this belated state. It has been submitted that the action of the management in not accepting the imaginary date of birth suggested by the concerned workman without any proof of any kind is justified and the demand of the sponsoring union for correction of his date of birth as 14-1-1942 is without any justification and the same cannot be acceded to.

In rejoinder, the management has stated almost same facts as has been stated in the written statement. It has been prayed that an award be passed in favour of the management.

4. The concerned workman has also filed rejoinder to the written statement of the management stating the same thing as has been stated in the written statement.

5. The management has examined MW-1 D.D. Khawas, who has proved Exts. M-1 and M-2.

The concerned workman has examined himself as WW-1 and has proved Exts. W-1 and W-2.

6. The main argument advanced on behalf of the concerned workman is that as per Winding Engine Certificate the date of birth of the concerned workman is 14-1-1942 and in the Form 'B' Register also his date of

birth was noted as 14-1-1942, but the management wrongly treating his date of birth as 1-7-1935 retired the concerned workman from service in July, 1995.

7. On behalf of the management it has been argued that the concerned workman was doing supervisory duty so he is not a 'workman' which reference cannot be decided by the this Tribunal under the provisions of Industrial Disputes Act. In this respect the representative of the workman argued on the basis of workman he was given employment by the management, so the management cannot at one time say that the concerned workman is drawing Rs. 1600 per month and working in supervisory category, so he is not workman because as per settlement dated 29-7-77 he was taken over in employment by the management.

Another argument advanced on behalf of the concerned workman is that on the basis of Medical Board report when his date of birth has been assessed by Medical Board as 55 years on 21-6-86 so he must have been superannuated in 1991, but it has not been done by the management and he was superannuated on 1-7-1995. It shows that the Medical Board report, Ext. M-1 on which basis he has been retired which has been considered by the management and this Ext. M-1, Medical Board report has not been proved by the Medical Officer. In this respect management's witness, MW-1 D. D. Khawas has stated in cross-examination that when Medical Board was held I was outside the hall. He has also said "I cannot say the writing of the report, Ext. M-1. On Ext. M-1 L.T.I. of the workman was taken but I was not present. From L.T.I. I cannot say as to whose L.T.I. is in Ext. M-1. Ext. M-1 is carbon copy. I have proved the signature which are in original. I cannot say as to whether these doctors are still in service. This statement of the management shows that Ext. M-1 Apex Medical Board report has not been proved by the management nor the doctor has been examined. Moreover, Ext. M-1 has not been submitted before this Tribunal so that it may show that any original report has been filed by the management on which basis this photo copy can be admitted in evidence. In this respect learned counsel for the workman also argued that this does not give detail on which basis the age has been assessed as 55 years. Moreover, this Ext. M-1, copy of the Medical Board report shows that 55 years has been written in words has been over-written and figure '5' is also found between which shows '50' has been made '55'. Moreover, Ext. W-1, Winding Engine Driver's Certificate has been issued on 13-7-76 in which date of birth has been mentioned as 14-1-1942. This has been filed by the workman on which basis the management has entered his age in the service record as 14-1-1942 and also paper

filed by the workman, Ext. W-2 shows his date of birth 14-1-1942 which has been issued by the School on 31-12-58. This supports Ext. W-1.

8. The management's counsel admitted that Form 'B' Register is maintained by the management in which date of birth is mentioned but the same has not been filed by the management which may show that the date of birth of the concerned workman has been mentioned as 1-7-1935. Non-production of Form 'B' Register goes to show that the management intentionally has not produced the same because it may go against it. It is their duty to file Form 'B' Register which is very essential for proving or disproving the date of birth of the concerned workman.

In view of the discussions made above, I find that the concerned workman has been superannuated illegally by the management and accordingly he is entitled to be reinstated in service treating his date of birth as 14-1-1942 with full back wages.

9. Accordingly, I render following award :

The demand of the union from the management to accept the date of birth of Shri Ainul Haque, Forman-Incharge of Bhurengia Project recorded as 14th January, 1942 in his Winding Engine Driver IInd class Certificate is justified. The concerned workman is entitled to be reinstated in service treating his date of birth as 14-1-1942 with full back wages.

H. M. SINGH, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, औरंगाबाद के पंचाट (संदर्भ संख्या 14/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-12012/64/2007-आई.आर.(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2009) of Central Government Industrial Tribunal-cum-Labour Court, Aurangabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 27-7-2009.

[No. L-12012/64/2007-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI S. B. PANDE, JUDGE,
LABOUR COURT AT AURANGABAD**

Reference (IDA) No. 14/09

The Asstt. General Manager,
State Bank of India, Region IV,
Regional Office,
Aurangabad.

...First party

Versus

Shri Subhash A. Gosavi,
102 Silver Gate, Sector B, N-1,
CIDCO, Aurangabad

...Second party

Coram : Shri S.B. Pande, Judge

APPEARANCES

Shri Milind Deshpande, Advocate for
the Second Party, workman.

AWARD

Delivered on 29-6-2009

This is the Reference referred by Desk Officer, Government of India/Bharat Sarkar, Ministry of Labour Shram Mantralaya New Delhi under clause (d) of Sub-section 1 and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) to this Court for giving Award.

2. In this Reference notice was served to the second party Subhash A. Gosavi. Second party has not turned up to the Court in time and also he has not filed statement of claim till today. As the second party has not turned up to the Court till 12.50 p.m. on 11-6-2009, this Court passed order and thereby the Reference is kept for necessary order on next date. Today also statement of claim is not filed by the second party and also the second party and his advocate remained absent till 2.45 p.m. So, it appears that the second party is not interested to prosecute the case. Therefore, the reference is dismissed for default. Hence, the following Award.

AWARD

1. Reference is dismissed for default.
2. Second party workman is not entitled for any relief.
3. No order as to costs.
4. The Award be submitted to the Desk Officer, Government of India, Ministry of Labour, New Delhi.

Place : Aurangabad.

Date: 29-6-2009

S. B. PANDEY, Judge

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एक. सी.

आई के प्रबंधात्मक के संबद्ध निवृत्तियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 चण्डीगढ़ के पंचाट (संदर्भ संख्या 150/98 एवं 160/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-22012/158/1997-आई.आर.(सी. II)],

[सं. एल-22012/157/1997-आई.आर.(सी. II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/98 and 160/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 27-7-2009.

[No. L-22012/158/1997-IR (C-II),

[No. L-22012/157/1997-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D 150/98

Case No. I.D 160/98.

1. Shri Radhe Shyam C/O Sarabjit Singh Gill, 4-D, Kailash Nagar, Fazilka. (Punjab)
2. Shri Rajinder Singh C/O Sarabjit Singh Gill, 4-D, Kailash Nagar, Fazilka. (Punjab)

Applicants

Versus

The District Manager, Food Corporation of India, 151, Sant Lal Road, Ferozepur.

Respondent

APPEARANCES

For the workman

R.P. Rana,

For the Management

Shri Ravi Kant Sharma.

AWARD

Passed on 13-7-2009

These two references namely; ID No. 150 of 1998 Sh. Radhe Shyam Versus Food corporation of India and ID No. 160 of 1998, Sh. Rajinder Singh Versus Food Corporation of India are related to each other were referred by the Central Government vide No. L-22012/158/97-IR(C.II) dated 22-7-98 and No. 22012/157/97-IR(C.II) dated 30-7-98

respectively. Common questions of law and facts are involved in both of these references; hence, the same are being disposed off by this award. The difference in both of the reference is the different dates of termination from the services by the Management of the Food Corporation of India. In ID No. 905 of 2005, workman Sh. Radhe Shyam has contended that his services were terminated with effect from 04-08-1989 whereas In I.D. No. 923 of 2005, the workman Sh. Rajinder Singh has contended that his services were terminated on 10-08-1989. Sh. Radhe Shyam has alleged that he worked with the management of the Food Corporation of India from 07-07-1976 to 10-08-1989 and was drawing salary of Rs. 510 per month. Likewise, Sh. Rajinder Singh has contended that he was appointed by the Management of the Food Corporation of India with effect from 01-11-1986 to 10-08-1989 and was drawing a salary of Rs. 510 per month.

It was further contended by both of the workmen that their services were illegally terminated by the management of the Food Corporation of India. Juniors to them were retained in service, whereas, their services were terminated against the provisions of Section 25H and 25G of the Industrial Disputes Act.

In the written statement the Management of Food Corporation of India has raised the preliminary objections that this reference is barred by the principle of resjudicata. Before raising the Industrial Dispute, as per the contention of the management, the workmen filed a Civil Suit which was dismissed by the Civil Court after affording full opportunity of being heard. Against the decree of Civil Court, the workmen preferred an appeal to the District Judge and the court of District Judge was kind enough to dismiss the appeal after affording the opportunity of being heard.

On merits it was contended by the Management that there was no employer-employee relationship between the workmen and the Management as the services of the workmen were provided by M/s. Industrial Securities and Allied services, an ex-servicemen organization, Kapurthala. The workmen were the employees of M/s. Industrial Securities and Allied Services, and not of the management of the Food Corporation of India.

Adequate opportunity was given to both of the parties. Apart from the oral evidence which is on record, the parties have adopted the evidence lead in the similar reference ID No. 140 of 1998, Sh. Chatter Pal Versus District Manager, Food Corporation of India which is on the same facts and issues. Following documents are also on record:—

1. Certified copy of the judgment passed by the Civil Court in Civil Suit No. 23-1/1981;
2. Certified copy of the order passed by the Appellate Court (Court of District Judge) in Civil Appeal No. 83 of 1983;

3. Copy of the Agreement entered into and executed in between the Food Corporation of India and M/s. Industrial Securities and Allied Services;
4. Letter written, by M/s. Industrial Securities and Allied Services to the District Manager, Food Corporation of India, Ferozepur;
5. Certain documents relating to the payment of wages to the M/s. Industrial Securities and Allied Services;
6. Certificate given by Ministry of Labour permitting the Food Corporation of India for employing the contract labour.

I have heard the counsel for the parties. Learned counsel for the workmen has argued that the services of the workmen were not provided through a contractor and the agreement entered into in between the Food Corporation of India and the contractor is sham document. It is also contended that in Para No.3 of the Agreement the services of ex-servicemen could be 'provided' by M/s. Industrial Securities and Allied Services to Food Corporation of India whereas the workman was not an ex-service man.

Learned counsel for the Management has argued that the reference is barred by principle of resjudicata. It is also argued that the workmen have committed a fraud with judicial proceedings by concealment of facts that they were not the employees of M/s. Industrial Securities and Allied Services, whereas they have made M/s. Industrial Securities and Allied Services a party, as defendant no. 4, in Civil Suit filed by them. The relationship between the Management of the Food Corporation of India and the workman was also challenged by the Management of the Food Corporation of India.

I have gone through the evidences adduced by the parties oral and documentary and all the other materials on record. First of all I have decided the issues whether the present reference is barred by the principle of resjudicata? It is the settled law that the provisions of Section 11 of the Civil Procedure Code are applicable in the service Tribunals. As per the doctrine of the resjudicata, if any issue before any Court of Tribunal has been disposed of finally after affording the opportunity of being heard to the parties by other court of competent jurisdiction, the issue will be barred by the principle of resjudicata and cannot be re-agitated. One of the essential conditions for applying the principle of resjudicata is that the issue which is in question in the present suit or petition should have been disposed of previously by the court of competent jurisdiction. If the Civil Court was a court of competent jurisdiction, certainly this reference will be barred by principle of resjudicata.

The Supreme Court of India in Premier Automobile Versus K.S. Vadake AIR-1975-Supreme Court-2238 laid down the law that if the Industrial Dispute relates to the

enforcement of a right or an obligation creating under this Act, then the only remedy available to the parties is to the adjudication under the Industrial Disputes Act only. It was further held by the Apex Court in Premier Automobile Case (supra) that if the right which is sought to be enforced is a right created under the Industrial Disputes Act, such as Section 5A, then the remedy for its enforcement is either Section 33C or the raising of any Industrial Dispute as the case may be.

I have gone through the relevant provisions of Industrial Disputes Act regarding the nature of the right claimed by the workman for these industrial disputes. Nature of the right claimed to be enforced as such can be enforced under the Industrial Disputes Act only and under such circumstances Civil Court has got no jurisdiction to dispose of the issue. The same principle has been laid down by the Apex Court in Jatinder Nath Versus Empire of India and Ceylone Tea Co. Accordingly, the Civil Court was having no jurisdiction for the enforcement of the right as alleged and claimed by the workman in these references. Thus the principle of resjudicata will not be applicable and if cannot be said that the instant references are barred by this principle.

The next issue before this Tribunal is whether there existed employer-employee relationship between the workmen and the management of the Food Corporation of India? On perusing the evidence of the parties, it is evident that no appointment letter was issued by the Management to any of the workmen. No doubt it is denied that the appointment was made good to the workmen by the contractor but the evidence filed by the management proved that the payment of wages were made good by the contractor, M/s. Industrial Securities and Allied Services and not by the Management of the Food Corporation of India. The Supreme Court of India in 2005 LLR 801, GM, ONGC Silchur Versus ONGC Contractual Workers Union, has laid down the criteria to establish the direct employee-employer relationship between the workman and the management of any organization. If we apply the ratio of GM, ONGC's Silchur's case (supra), the workmen have to prove the following facts to establish the employees-employer relationship :—

1. That there existed a relationship of master and servant;
2. That there was no contractor appointed by the management of Food Corporation of India;
3. That the Management of Food Corporation of India used to supervise the alleged work assigned to individual workers;
4. That the Management of the Food Corporation of India took disciplinary action and called for explanation of the workmen;

5. That the workman was paid wages by the Management of the Food Corporation of India directly and not through the contractor; and lastly.
6. That the wages were paid directly to the workmen by the Management of the Food Corporation of India and the Acquaintances Rolls were prepared by the Management of the Food Corporation of India to make the payment to the workmen.

On the basis of principle laid down by the Apex Court in GM, ONGC, Silchur's case (supra) and on perusing the material on record I am of the view that there existed no employer-employee relationship between the workman and the Management of the Food Corporation of India, while workmen were working for the management of the Food Corporation of India. I am reaching to the conclusion that there was no employer-employee relationship between the workmen and the Management of the Food Corporation of India on the following grounds:

- (1) In a civil suit filed by the workman before the Civil Court, the workman admitted that he served the management of Food Corporation of India through the contractor M/s. Industrial Securities and Allied Services. In civil suit he impleaded the contractor as defendant No. 5. Without going through the merits of civil suit, it is open to this, Tribunal to consider the above fact as admission of the workman that he served the Food Corporation of India through a contractor M/s. Industrial Securities and Allied Services.
- (2) The evidence adduced by the management proved that payment was made good to the workman by his contractor M/s. Industrial Securities and Allied Services. The consolidated amount for the services provided by the contractor of several workmen was made to the contractor by the management and in compliance of the relevant law the wages were made good by the contractor to the workmen.
- (3) The letter written by M/s. Industrial Securities and Allied Services to the General Manager of Food Corporation of India, Ferozepur Branch also made clear that workmen worked for the management of Food Corporation of India through contractor and they were not directly engaged by the Food Corporation of India.
- (4) Evidence adduced by the management also proved that the workman was not under the direct administrative control of the management of Food Corporation of India. His affairs of services were controlled by his contractor M/s. Industrial Securities and Allied Services and not by the Food Corporation of India.

- (5) There is a written contract between the management of Food Corporation of India and M/s. Industrial Securities and Allied Services for providing the services of the workmen to the Food Corporation of India and in compliance of that contract the services of the workmen were provided to the Food Corporation of India.
- (6) On the contention raised by the workmen that in this case there is a violation of clause 3 of the agreement as the workmen are not the ex-servicemen, whereas, M/s. Industrial Securities and Allied Services is authorized to provide the services of ex-servicemen only, I am of the view that for such violation of term of a contract there is no occasion for the Tribunal to treat the workmen as the direct employees of the Food Corporation of India.
- (7) It is also been argued by the workmen that the contract, if any, is shame. In this regard, I am of the view that the workmen are guilty of not disclosing the true fact before this Tribunal. In their statement of claim they have not written a single word about any contract and the services rendered through contractor. They have suddenly raised this contention that the contract, if any, is shame without making the reference in their statement of claim. In Food Corporation of India and others vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh and others 2008 LLR 391 Hon'ble the Pb. & Hr. High Court has laid down the principle that if the ground for a contract being shame is not taken in the statement of claim, the workman has no say regarding the nature of the contract thereafter. Accordingly, on this contention as well, I am of the view that neither the contract is shame nor the workmen have raised this issue in their statement of claims.

On the basis of the above observation, I am of the view that there existed no employer-employee relationship between the workmen and the management of Food Corporation of India, Ferozepur. The services of the workmen were provided to the Food Corporation of India by M/s. Industrial Securities and Allied Services. On the basis of the material on record, it is also evidently clear that workmen were the employees of M/s. Industrial Securities and Allied Services and not of the Food Corporation of India. Accordingly, workmen are not entitled for any relief. The reference is accordingly answered.

One issue, no doubt, not raised and agitated by the parties during arguments is inspiring me to write something

on misuse of judicial proceedings. It was in the notice of the workmen that their services were provided to the Food Corporation of India through M/s. Industrial Securities and Allied Services. They knew it well that they were not directly engaged by the Food Corporation of India. This fact is clear by filing a civil suit in the Court of Civil Judge alleging that their services were provided to the Food Corporation of India through M/s. Industrial Securities and Allied Services by making the contractor as defendant No. 4. Their suit was dismissed after affording the full opportunity of being heard and the appeal against the decree of civil court was also dismissed by the District Judge. As stated earlier, that at this stage I am not agitating the legality of judgment passed by the Civil Court and the District Judge in appeal, but I am only concerned with the plea raised and admission made by the workmen in the plaint filed in the Court of Civil Judge that their services were provided to the Food Corporation of India through M/s. Industrial Securities and Allied Services. After this unsuccessful attempt they raised an industrial dispute concealing this fact that they have raised this issue before the Civil Court admitting the fact of services provided to the Food Corporation of India through M/s. Industrial Securities and Allied Services. They have not only concealed the fact of raising the issue; before the Civil court but also admitted the fact that their services were provided to the Food Corporation of India through M/s. Industrial Securities and Allied Services. In the statement of claim they have only stated that they were directly engaged with the management of Food Corporation of India and wages were paid directly. They have also filed the affidavits on the same facts. This concealment of facts is nothing but misusing the judicial proceedings by engaging a Government department into unnecessary litigation. It is nothing but a judicial fraud. It was the duty of the workmen to come before this Tribunal with clean hands and true facts which they have admitted before the Civil Courts. On such failure, it is the duty of the Tribunal to take notice of it that the acts of the workmen have put the Government department in long litigation and the Government has to incur a lot of money in fighting the case. This Tribunal has limitations and the only remedy which can be provided to FCI, while answering the reference in negative is cost to the management which the management has incurred as the litigation expenses. Accordingly, while answering this reference that no termination was made by the Food Corporation of India and the workmen are not entitled to any relief it will be proper to impose the cost of litigation which the management of Food Corporation of India has incurred. After considering the tentative expenses which the management of Food Corporation of India has incurred as litigation expenses and also considering the socio-economic conditions of the workmen, I am of the view that Food

Corporation of India is entitled for Rs. 15,000 (Rupees fifteen thousand only) from each workmen as costs of litigation. Let Central Government be informed and, thereafter, file be consigned to record room.

Corporation of India through M/s. Industrial Securities and Allied Services. In the statement of claim they have only stated that they were directly engaged with the management of Food Corporation of India and wages were paid directly. They have also filed the affidavits on the same facts. This concealment of facts is nothing but misusing the judicial proceedings by engaging a Government department into unnecessary litigation. It is nothing but a judicial fraud. It was the duty of the workmen to come before this Tribunal with clean hands and true facts which they have admitted before the Civil Courts. On such failure, it is the duty of the Tribunal to take notice of it that the acts of the workmen have put the Government department in long litigation and the Government has to incur a lot of money in fighting the case. This Tribunal has limitations and the only remedy which can be provided to FC1, while answering the reference in negative is cost to the management which the management has incurred as the litigation expenses. Accordingly, while answering this reference that no termination was made by the Food Corporation of India and the workmen are not entitled to any relief, it will be proper to impose the cost of litigation which the management of Food Corporation of India has incurred. After considering the tentative expenses which the management of Food Corporation of India has incurred as litigation expenses and also considering the socio-economic conditions of the workmen, I am of the view that Food Corporation of India is entitled for Rs. 15,000 (Rupees fifteen thousand only) from each workmen as costs of litigation. Let Central Government be informed and, thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2009

अ.आ. 2288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट (संदर्भ संख्या 27/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2009 को प्राप्त हुआ था।

[सं. एल-20012/159/2005-आई.आर. (सी. 1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 27/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 27-7-2009.

[No. L-20012/159/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1),
DHANBAD**

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 27/2006

Parties : Employers in relation to the management of BCCL
PB Area.

AND

Their workman

Present : Shri Hari Mangal Singh, Presiding Officer

APPEARANCES

For the Management : Sri D.K. Verma, Advocate

For the Union : Sri Ram Prasad Chouhan,
Secretary, (J.M.S.).

State : Jharkhand Industry : BCCL

Dated the 9th July, 2009

AWARD

By order No. L-20012/159/2005-IR (C-1) dated 19-12-2005 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the demand of the Janta Mazdoor Sangh from the management of BCCL, PB Area, that Sh. Shrawan Kumar Jha, Pay Loader Operator may be regularised as Forman (M) in E and M discipline in Tech. Gr. B w.e.f. 26-12-2001 is justified? If so, to what relief is the workman entitled?"

2. Whether the demand of the said union that the date of birth of the said workman may be corrected as 15-3-58 in place of 3-3-50, is justified? If so, to what relief is the workman entitled?"

This Reference was received in this Tribunal on 13-2-2006. On 1-7-2009 Sri Ram Prasad Chouhan, Secretary,

Janta Mazdoor Sangh filed a petition stating that the concerned workman involved in the dispute does not want to contest this case.

In view of such submission made on behalf of the workman, I pass a No Dispute Award in present Reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

का.अ. 2289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी. एल. के संबंधित के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयलपुर के पंचाट (संदर्भ संख्या 30/93 को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-2009 को प्राप्त हुआ था।

[सं. एल-22012/282/1992-आई.आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th July, 2009

S.O. 2289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 28-7-2009.

[No. L-22012/282/1992-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/30/93

Presiding Officer : Shri Mohd. Shakir Hasan

The General Secretary,

M.P. Koyla Shikhar Mazdoor Panchayat,

P. O. Jumbhura,

Distt. Chhindwara (M.P.)

Union:

... Workman/

Versus

The General Manager,

Kanhan Area of WCL,

P. O. Durgam,

Distt. Chhindwara (M.P.)

... Management

AWARD

Passed on this 26th day of June, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/282/92-IR(C-II) dated 25-1-93, has referred the following dispute for adjudication by this Tribunal:—

“Whether the action of the management of Kanhan Area of WC Ltd., Chhindwara in relation to their Nandan Colliery No. 1 in dismissing the services of Shri Baleshwar, S/o Badri, Tub Loader, Nandan Mine No. 1 w.e.f. 26-6-1991 is justified? If not, to what relief the workman is entitled to?”

2. The case of the workman/Union in short is that the workman was Tub Loader in Nandan Mines No. 1 of Kanhan Area of WCL having clean service of 20 years. He met injury underground while on duty and gradually ratio of absence from duty increased while he was under treatment in hospital, he was issued with chargesheet on 5-11-90. The D.E. was conducted on 12-3-91. His defence medical evidence was not considered. He had not been given opportunity to defend himself by examining witness. He is illiterate and he did not know as to on which paper he put his L.T.I. He was served with dismissal order w.e.f. 26-6-91. His appeal was also rejected on 10-7-91. On these grounds, it is submitted that DE be vitiated and he be reinstated with back wages.

3. The management also appeared and filed written statement. The case of the management, inter alia, is that the workman Shri Baleshwar was a habitual absentee unauthorisedly without any rhyme and reason. Inspite of repeated warning, he did not improve his attendance. Thereafter chargesheet was issued on 5-11-90. He gave satisfactory reply and, therefore, detail departmental enquiry was conducted. He participated in the proceeding and confessed his guilt before the Enquiry Officer. However, the Enquiry Officer conducted enquiry and finally found the charges proved. The Disciplinary Authority considering the finding of the Enquiry Officer passed an order of dismissal w.e.f. 26-6-91. It is stated that full opportunity was given to the workman to defend himself. It is submitted that even if the Tribunal finds that the D.E. was not legal, the management be given opportunity to prove the misconduct.

4. On perusal of the record, it appears that subsequently the workman/Union became absent. As such the case is proceeded ex-parte on 16-6-07 against the workman/Union.

5. On the pleadings of the parties, the following issues are settled:—

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead the evidence before the Tribunal?

3. Whether the charges of misconduct are proved on the facts of the case ?

4. Whether the punishment awarded is proper and legal ?

5. Relief and costs.

6. **Issues No. 1, 2 & 3 :—** Since the workman/Union is absent and the case is proceeded ex-parte against him, these issues are taken up together. To prove the point for consideration, the management has examined oral and documentary evidence. Management witness Parimal Mavawala stated that the workman remained absent time and again unauthorisedly without any rhyme and reason. Ultimately chargesheet was issued on 5-11-90 which is marked as Exhibit M/1. The worker submitted reply which is marked as Exhibit M/2 which was found unsatisfactory. Thereafter the departmental enquiry was started and the workman was served with chargesheet and Enquiry Officer and Presenting Officer were appointed which is marked as Exhibit M/3. He has further stated that the workman participated in the enquiry and confessed his misconduct. He has stated that the principle of natural justice was followed and the entire enquiry proceeding is marked as Exhibit M/4 and M/5. After conclusion of the proceeding, the Enquiry Officer submitted enquiry report which is marked as Exhibit M/6. He has stated that the disciplinary authority after considering the findings of the Enquiry Officer passed termination order w.e.f. 26-6-91 which are marked as Exhibit M/7 to M/9. He has stated that since 1988 to 1991 his attendance was less than 100 days in year and the attendance was gradually declining and he was habitual absentee. His evidence and the documentary evidence have fully supported the case of management that he was habitual absentee and his attendance was decreasing inspite of warning. There is no other evidence in contradiction of the evidence of management. There is no reason to disbelieve the evidence of the management. Thus it is proved that the departmental enquiry was legal, proper and just and the workman had misconducted. These issues are, accordingly, answered.

7. **Issues No. 4 & 5:**

Considering the evidence adduced on behalf of the management and also considering the conduct of the workman in court, I find that the workman was habitual absentee and the punishment imposed on him was just and proper. I do not find any interference in the punishment imposed on the workman by the management and he is not entitled to any other relief. These issues are also accordingly answered.

8. In the result, the award is passed ex-parte against the workman/Union and in favour of the management without any costs.

9. Copy of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASSAN, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 135/98) को प्रकाशित करती है, जो केन्द्रीय सरकार का 28-7-2009 को प्राप्त हुआ था।

[सं. एल-22012/38/1997-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th July, 2009

S.O. 2290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 135/98) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 28-7-2009.

[No. L-22012/38/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Case No. CGIT/LC/R/135/98

Presiding Officer : Shri Mohd. Shakir Hassan

The Secretary,
Sanyukta Khadan Mazdoor Sangh,
Sohagpur Area of SECL,
Post Dhanpuri, Distt. Shahdol ... Workman/Union

Versus

The General Manager,
Sohagpur Area of SECL,
Post Dhanpuri, Distt. Shahdol ... Management

AWARD

Passed on this 24th day of June, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/38/97-IR(C-II) dated 16-7-98, has referred the following dispute for adjudication by this tribunal:

"Whether the action of the General Manager, SECL, Sohagpur Area in extending the period of so called apprenticeship beyond one year in relation to 71 workers is legal and justified? If not, to what relief are the workmen entitled to?"

2. The case of the Union/workmen in short is that the workmen, as in the list of the reference, were working in different sub-areas of SECL, Sohagpur Area and were members of SKMS Union. They were selected as apprentices for a period of one year under the Apprentices

Act, 1961 and an agreement was executed with each of the Apprentice under the said Act but after the completion of the period, their period was extended from 3 months to 22 months. It is alleged that after completion of one year, they should be regularized in the service. It is stated that after completion of the apprenticeship, they should be regularized retrospectively. It is prayed that the extended period of apprenticeship be declared illegal and the arrears be paid of the said period.

3. The management also appeared and contested the reference by filing written statement. The case of the management, inter alia, is that the workmen were not entitled to be members of SKMS Union as they were not employee of the SECL. It is stated that there is recruitment policy for appointment of employees. The workmen were admitted as apprentices under the Apprentices Act, 1967. They were selected with conditions that they shall be treated as apprentice under the Act and they shall have no right or claim what so ever for any payment of benefit etc. It was also a condition that after completion of the period of apprenticeship, their appointment would automatically come to an end and the company was not any way bound to offer them appointment. They had also executed agreement in this regard. It is stated that after completion of the period of one year, they were permitted to continue as apprentice as they had not successfully completed the training. There is no illegality in extending the period. The management had offered first change to them as soon as the vacancies were available with the management. It is submitted that the reference be answered accordingly.

4. On perusal of the record, it appears that initially the Union was absent, as such no dispute award was passed on 29-10-99. Thereafter Union appeared within time and filed an application to set aside the no dispute award. The then learned Tribunal after considering the facts of the record set aside the no dispute award on 19-10-01. Thereafter the management filed Written Statement and documents. Thereafter the case was fixed for evidence of the workmen/Union but again Union/workmen absented and the proceeding proceeded ex parte on 4-2-2008. The management adduced oral and documentary evidence.

5. The issue for decision is as to whether the extension of the period of apprenticeship beyond one year in relation to 71 workers is legal and justified?

6. To prove the case, the management has examined one witness, Shri S.K. Banerjee is Dy. Chief Personnel Manager in SECL, Sohagpur Area. He has admitted that workmen were admitted as apprentices under the Apprenticeship Act, 1961 and an offer letter was issued by the management in which there were number of clauses. One of the clause was that they shall have no right or claim for any payment of benefit and after apprentice period is completed, their appointment automatically come to an end. He has further stated in this context, the Apprentices executed an agreement which is marked as Exhibit M/1. He has further stated that the apprenticeship was extended as

they were unsuccessful in the training. He has stated that there was no illegality in extending the period. His evidence is un rebutted. There is no reason to disbelieve his evidence in absence of any contrary evidence on the record. Accordingly this issue is decided ex parte in favour of the management and against the management.

7. In the result, the award is passed ex parte against the Union/Workman and in favour of the management with order of costs.

8. Copy of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASSAN, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस.ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 165/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-07-2009 को प्राप्त हुआ था।

[सं. एल-22012/184/1996-आई.आर. (सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th July, 2009

S.O. 2291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 165/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 28-07-2009.

[No. L-22012/184/1996-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

No. CGIT/LC/R/165/97.

Presiding Officer : Shri Mohd. Shakir Hasan

The Regional Secretary,
Rashtriya Colliery Workers Federation,
Hasdeo Area,

Post South Jhagrakhand Colliery,
Distt. Surguja (M.P.)

...Workman/Union

Versus

The Sub Area Manager,
Jhagrakhand Area, SECL,
Post West Jhagrakhand Colliery,
Distt. Surguja (M.P.)

....Management

AWARD

Passed on this 15th day of July, 2009

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/184/96/IR(C-II) dated 5-6-97 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Jhagrakhand R.O.Hasdeo Area of SECL in not regularising Shri Lalman Singh, Sh.Shankar Yadav and Sh.Hiralal on the post of T. T. Munshi even though they have been performing the duties of T.T. Munshi for more than two years, is legal and justified? If not, to what relief are the workmen entitled and from which date?”

2. The Applicant/Union is absent inspite of proper service of the notice. Therefore the reference proceeding proceeded exparte by the order dated 4-4-07 against the workmen/Union.

3. The management/non-applicant filed Written Statement in the case. The case of the management in short is that the aforesaid dispute is already decided by this Tribunal vide award dated 12-9-07 against the workman Shri Lalman Singh as such this reference is not maintainable against him. It is stated that the reference is vague and the relief is not specifically sought by the workmen and the reference is incapable of being adjudicated. So far the case of Shri Lalman Singh is concerned, he was appointed on 4-12-1989 as General Mazdoor Category-I and obtained Mining Sardar Certificate, Gas Testing Certificate and valid First Aid Certificate. He applied for the post of Mining Sardar and was selected on the said post vide office order No. 2146 dated 18-2-2000. Thus the question for giving him post of T. T. Munshi doesnot arise. So far the case of Shri Shanker Yadav is concerned, he was appointed on 2-12-1997 as Rail Mazdoor. He is not entitled to the post of T.T. Munshi and had never worked against the vacant post. The case of Hiralal is that he was appointed on 28-8-76 as clipper Category-IV and had never worked as T.T.Munshi. It is further alleged that there was no vacancy of T. T. Munshi due to mechanization of Mine. Moreover the above mentioned workmen were not authorised to work as a clerk against any sanctioned vacancy by the Competent Authority. On these ground, it is submitted that the reference be answered in favour of the management.

4. The only point for decision is as to whether the action of the management in not regularising the workmen on the post of T.T. Munshi is legal and justified?

5. The first point is raised by the management that the award dated 12-9-07 of the aforesaid dispute is already passed against the workman Lalman Singh as such this reference is not maintainable. The management has filed photocopy of the said award dated 12-9-07 passed in R/52/96 which is marked as Exhibit M/1. On perusal of the said

award, it is clear that it was not passed on merit. In the said reference, the workman had not filed any statement of claim, nor the management filed Written Statement. No evidence is also adduced in the case. This is clear that there is no pleading of either of the parties and it was a case of no evidence. Thus that reference was not decided on merit, as such a fresh reference appears to be not barred against Shri Lalman Singh.

6. To prove the case, the management has adduced oral and documentary evidence. The management has examined one witness namely Shri C.C.Naik. He is Dy. Personnel Manager, Jhagrakhand Sub Area of SECL, Hasdeo Area, Distt. Korea, Chhattisgarh. He has stated that service conditions of the employees working in the Coal Industry are governed by various settlements. He has stated that Lalman Singh had been selected as Mining Sardar as he passed required Certificate vide office order No. 2146 dated 18-2-2000 which is marked as Exhibit M/4 and he had already chosen in Mining Supervisory Cadre as such the question for giving a clerical post of T. T. Munshi doesnot arise. He has further stated that Shri Shanker Yadav was appointed as Rail Mazdoor and had never been deployed as T.T. Munshi. His service particulars is marked as Exhibit M/5 and Shri Hiralal was appointed as Clipper Category and was never deployed as T.T.Munshi. His service particulars is Exhibit M/6. He has stated that there is no vacancy in T. T. Munshi post. His evidence is unrebutted. There is no other evidence on the record to show that they are entitled to the post of T.T.Munshi. Accordingly this reference is answered in favour of the management.

7. In the result, the award is passed exparte against the workmen and in favour of the management without costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

क्र.आ. 2292.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस.ई.सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 147/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-07-2009 को प्राप्त हुआ था।

[सं. एल-22012/151/2001-आई.आर.(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th May, 2009

S.O. 2292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 147/03)

of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Chirimiri Area of South Eastern Coalfield Limited, and their workmen, received by the Central Government on 28-07-2009.

[No. L-22012/151/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/147/03

Presiding Officer : Shri Mohd. Shakir Hasan

The Secretary,

Rashtriya Koyla Khadan Mazdoor Sangh,

P. O. Chirimiri, Distt. Korea,

Korea (Chhattisgarh)

Workman/Union

Versus

The Chief General Manager,

Chirimiri Area of South Eastern Coalfields Ltd.,

PO Chirimiri, Distt. Korea.

Korea (Chhattisgarh)

Management

AWARD

Passed on this 16th day of July, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/151/2001-IR (CM-II) dated 8-8-03 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Chief General Manager, Chirimiri Area of SECL, Distt. Korea (Chhattisgarh) in not promoting Sh. Kamleshwar Singh, Grade-II Clerk to Grade-I Clerk w.e.f. the date on which his juniors were promoted is legal and justified? If not, to what relief the concerned workman is entitled?”

2. The case of the workman in short is that the workman Kamleshwar Singh was promoted to Gr. I Clerk on 24-4-91. Subsequently notional promotion in the said grade was given w.e.f. 6-11-90. It is stated that 17 junior clerks were promoted in the Chirimiri Area and subsequently 33 most juniors to the workman were promoted to Sr. Clerks vide order dated 1-3-97. He is said to have raised the issue and later reminded to the management but his case was not considered. It is stated that his right was infringed and cadre scheme was violated. It is stated that to cover up the mistake, notional promotion was given w.e.f. 6-11-90 but the management had not considered his case for promotion w.e.f. 26-5-89 when juniors were promoted.

3. The non-applicant/management appeared in the case and filed Written Statement. The case of the non-

applicant, inter alia, is that the terms of reference is vague because no date is disclosed of the claim of promotion and the same is claimed at belated stage. It is stated that an employee cannot claim promotion as a right rather the promotion is granted on the basis of DPC recommendation. The workman has given due promotion. It is stated that the said workman on his request was transferred to Johilla Area w.e.f. 9-1-1989 and was not on the roll of Chirimiri Area at the time of promotion of other clerks. He is said to have been released from Pali Project to Chirimiri Area vide order No. 165 dated 7/8-1-90. The said workman lost his seniority in Gr. II as per rules from all Gr. II Clerks existing in Chirimiri Area. However his case was sympathetically considered and was promoted w.e.f. 2-4-91 and subsequently notional promotion was granted w.e.f. 6-11-90. It is stated that on recommendation of the DPC, the workman was promoted from Gr. I to Sr./Special Gr. Clerk w.e.f. 12-3-01. Later notional promotion w.e.f. 11-3-97 was given. On these grounds, it is submitted that the award be passed in favour of the management.

4. The workman subsequently absented and therefore the reference proceeded ex parte against him on 10-3-2008.

5. Now the only point for consideration is as to whether action of the non-applicant/management in not promoting Shri Kamleshwar Singh Gr-II Clerk to Gr. I clerk w.e.f. the date on which his juniors were promoted is legal and justified.

6. To prove the case the management has examined oral and documentary evidence. Management has examined Shri Ashok Sahu. He is Dy. Chief Personnel Manager in Chirimiri Area of SECL. He has stated that the promotion is granted on the basis of recommendations by DPC. He has stated that the workman was transferred from Johilla Area to Chirimiri Area w.e.f. 9-1-1989 but was not on the roll of Chirimiri Area when the Gr. II clerks were promoted to Gr. I clerk. He was released from Pali Project to Chirimiri Area vide office order No. 3038 dated 2-1-90 which is marked as Exhibit M/1. This order shows that w.e.f. 2-1-90, the workman was released from Pali Project. This shows that prior to this date he was not on roll of Chirimiri Area. Moreover it appears he lost his seniority at Chirimiri Area as his transfer was on his request and became junior most. He has stated that however his case was considered sympathetically and was promoted to Gr. I clerk w.e.f. 24-4-91 which is paper No. 2/14 and subsequently notional promotion from 6-11-90. He has further stated that he was again promoted to Sr. Clerk from 12-3-01 which is paper No. 2/18 and notional promotion from 11-3-97 which is paper No. 2/19 filed by the workman. He has stated that he lost his seniority in Gr. II on transfer on his own request as per rule. There is no other evidence to rebut the evidence, of the management. In absence of any contrary evidence, it is proved that there was no illegality in the promotion of

the workman. Thus the reference is answered in favour of the management.

7. In the result, the award is passed *ex parte* against the workman and in favour of the management without any costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 74/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-07-2009 को प्राप्त हुआ था।

[सं. एल-22012/251/2001-आईआर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th May, 2009

S. O. 2293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 28-07-2009.

[No. L-22012/251/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/74/2004

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Mukesh Singh, S/o Shri Hindu Singh,
C/o Mazdoor Pan Bhandar,
Lal Masjid Chouraha,
Ujjain (MP)

.....Workman/Union

Versus

The District Manager,
Food Corporation of India,
64, University Road,
Ujjain (MP)

.....Management

AWARD

Passed on this 14th day of July, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/251/2001-IR (C-II) dated 22-6-2004 has referred the following dispute for adjudication by this tribunal :—

“ Whether the action of the management of Food Corporation of India in not considering the request of Shri Mukesh Singh S/o Shri Hindu Singh for reinstatement in service is legal and justified? If not, to what relief he is entitled?”

2. The case of the applicant/workman in short is that he was appointed with Food Corporation of India on the post of Messenger on 4-2-1984 and was confirmed on 17-8-85. It is stated that on 6-12-88, he was suffering from ulcerative colitis and neurosis and due to long illness, he lost his mental balance. Meanwhile the workman tendered his resignation on 16-1-1989 with a request that the same be effective from 18-4-1989. Thereafter before the date, he withdrew his resignation on 27-3-1989 and the withdrawal letter was sent through Under Certificate of posting. It is stated that he was on Earned Leave from 27-3-89 to 12-4-89 which was sanctioned by the management/non-applicant. The workman is said to have joined after leave on 13-4-89 and worked till 17-4-89. It is stated that his resignation was accepted on the same day i.e. on 17-4-1989 whereas he had requested to accept w.e.f. 18-4-1989. It is stated that when he became physically fit, he requested the management on 16-11-89 to reinstate him. On these grounds, it is submitted that the resignation letter dated 16-1-89 be declared illegal and the applicant be reinstated in the service.

3. The non-applicant/management appeared and filed Written Statement. The case of the management, *inter alia* is that the service conditions of the employers working in the Food Corporation of India (in short FCI) are governed by FCI (Staff) Regulation, 1971. It is admitted that the workman was appointed as a messenger on 4-2-84 and on his satisfactory service, he was confirmed on 18-2-85. It is admitted that the applicant/workman tendered his resignation on 16-1-89 stating therein that due to adverse domestic circumstances/affairs, he was not in a position to serve the corporation and requested to relieve him w.e.f. 18-4-89. On receipt of the resignation letter, the Competent Authority, District Manager found that there was dues of Rs. 3400 pending against the applicant, District Manager, therefore, informed the applicant vide letter dated 6-2-1989 to deposit the dues and only thereafter his resignation be accepted. The applicant again availed Earned Leave from 27-3-1989 to 12-4-1989 on the ground of urgent domestic work and joined his duties on 13-4-1989. It is stated that again on 13-4-1989, the applicant was reminded to deposit the outstanding dues with interest and only then the resignation would be accepted. In compliance of the said

letter, the applicant deposited the dues with interest and money receipt No. 756 dated 17-4-1989 was issued. Thereafter the resignation was accepted on 17-4-1989 and the acceptance letter was acknowledged by the applicant. It is stated that after 7 months of the acceptance of resignation, the applicant made a representation dated 16-11-1989 to Senior Regional Manager, FCI, Bhopal that he tendered his resignation without thought and the domestic condition had now improved as such he requested to reinstate him in the service. The Regional Manager forwarded his representation to Zonal office, Mumbai where his representation was considered that since the resignation was accepted after the period of 90 days and the applicant was relieved from the duties w.e.f. 17-4-1989 and he approached after 7 months of his resignation, there was no reasonable ground for reinstatement in the service. Accordingly Senior Regional Manager, Bhopal was informed who in turn informed the District Manager, Ujjain. The decision of the Zonal office was communicated to the applicant on 26-6-1990 and the same was acknowledged by the applicant on 27-6-1990. The applicant is said to have raised the Industrial Dispute after the lapse of eight years. On these grounds, it is submitted that the reference be answered in favour of the non-applicant.

4. On pleadings of both the parties, the following issues are for adjudication:

- (i) Whether the management is justified in accepting the resignation of the applicant w.e.f. 17-4-1989?
- (ii) Whether the applicant filed an application for withdrawal of his resignation application before acceptance?
- (iii) Whether the action of the management in not considering the request for reinstatement in the services is legal and justified?

5. Issue No. 1 Both the parties have adduced oral and documentary evidence in the case. It is an admitted fact that the applicant Shri Mukesh Singh was appointed vide order dated 4-2-1984. The said order is marked as Exhibit M/1. It is also admitted that the applicant tendered his resignation vide application dated 16-1-1989 which is marked as Exhibit M/3. The contents of the application show that due to adverse domestic circumstances/ affairs, he was not in a position to serve further to corporation. One fact is clear that till the date of filing application on 16-1-89, there was no plea that he was suffering ulcerative colitis and neurosis rather the plea was domestic problem. The application admittedly discloses that the resignation be accepted w.e.f. 18-4-1989.

6. It is also an admitted fact that the applicant proceeded on Earned Leave from 27-3-1989 to 12-4-1989 and resumed his duty on 13-4-1989. The order of grant of leave is Paper No. 9/8 and the joining report is 9/9. The management has pleaded that the applicant applied for

earned leave on account of urgent domestic work. This fact is also not denied by the applicant which is deemed to be admitted. Till the application of Earned leave, the plea of illness was not taken. The applicant has also filed the office order of the acceptance of resignation w.e.f. 17-4-1989 afternoon. It is urged on behalf of the applicant that documentary evidence clearly shows that the resignation was accepted a day before from the date i.e. 18-4-89 when the applicant requested to accept.

7. Now let us examine the oral evidence of the applicant. The applicant is examined in the case. He has supported his case. He has stated in cross-examination that on 6-2-89, he received a letter from the management that there was outstanding dues of Rs.3400 in his name and the resignation would be accepted only after payment of dues. He has stated that he joined on 13-4-89 and deposited the dues of Rs.3550 on 17-4-1989 and got money receipt No. 756. He has further stated that then he told to accept his resignation letter and as such his resignation was accepted on the same day. This shows that the resignation was accepted with the consent of the applicant.

8. The only point raised by the applicant is that the resignation was accepted on 17-4-1989 instead of 18-4-1989 which was the date in his application for resignation. The learned counsel for the applicant relied upon a decision reported in A.I.R. 1989.S.C.1083 Punjab National Bank versus P.K.Mittal wherein the Hon'ble Court has held that—

“There are two ways of interpreting this clause. One is that the resignation of an employee from service being a voluntary act on the part of an employee, he is entitled to choose the date with effect from which his resignation would be effective and give a notice to the employer accordingly. The only restriction is that the proposed date should not be less than three months from the date on which the notice is given of the proposed resignation. On this interpretation, the letter sent by the employee fully complied with the terms of this clause. The employee had given more than three clear months' notice and stated that he wished to resign with effect from a future date and so the resignation would have become effective only on that date. The other interpretation is that, when an employee gives a notice of resignation, it becomes effective on the expiry of three months from the date thereof. On this interpretation, the employee's resignation would have taken effect on the expiry of three months even though he had mentioned a later date.”

This decision is equally applicable in the case of the management. The applicant applied for resignation on 16-1-89 and the resignation was accepted on 17-4-89. Thus it is clear that the resignation was accepted after expiry of three months (90 days) even though the applicant had

mentioned a later date. Moreover the management has also referred his circular No. EP-25-2005-32 of FCI (Staff) Regulation 1971 wherein it is also provided that the employee may resign by giving such notice as in Rule-19. The Rule-19 says that 90 days clear notice is to be given before terminating the employee from service. In the instance case, the resignation was accepted with full consent of the employee after 90 days of his application for resignation. This issue is decided against the applicant and in favour of the management.

9. Issue No. 2 The facts relating to this issue is that the applicant sent an application dated 27-3-1989 for withdrawal of resignation through Under Certificate of Posting which is Paper No. 9/6 and U.P.C is paper No. 9/7 whereas according to the management, no such withdrawal letter was sent by the applicant. It is alleged by the management that this paper is fabricated much after the acceptance of the resignation. The withdrawal application dated 27-3-89 is a disputed document. Now let us examine the evidence of both the parties. The alleged withdrawal application dated 27-3-1989 (Paper No. 9/6) shows that for the first time, it was stated, in the application that mental condition was not proper and was being treated. This fact is not mentioned in his application of resignation and it is submitted by the management that this fact is also not mentioned in his earned leave application wherein it was stated that due to urgent domestic work, he was in need of earned leave. Moreover the evidence of workman also shows that he has admittedly deposited the outstanding dues of Rs.3550 on 17-4-1989 which was condition for acceptance of the resignation by the authority. If he had already filed withdrawal application for resignation letter, he ought to have referred the same and should raised on 13-4-1989 when he resumed duty. Moreover further evidence of the applicant shows that he himself stated after payment of outstanding dues to accept his resignation. Under the circumstances, it appears to be not reliable that any withdrawal application was sent for withdrawing the resignation letter before acceptance.

10. On the other hand, the management has filed a letter dated 6-2-1989 of the District Manager, which is marked as Exhibit M/4, wherein it was informed to the applicant to deposit the outstanding dues of Rs.3400 and only then his resignation would be accepted. Again a reminder dated 13-4-1989, which is marked as Exhibit M/5, was given to deposit dues with interest. This letter was accepted by the applicant. In compliance of the said letter, admittedly the applicant deposit the outstanding dues standing in his name. These letters and its acceptance itself show that no withdrawal application was existing at the time of acceptance of the resignation. Withdrawal application appears to be fabricated and as such it was not sent through registered post.

11. It is not out of place to say that there is no pleading of either parties regarding any dispute with regard

to the payment of retiral dues as to whether it is paid or not and if it is paid as to when. The learned counsel for the applicant cited a ruling reported in AIR 1978-S.C. 694 is not applicable. Thus on the basis of the discussion made above, this issue is also decided in favour of the management and against the workman.

12. Now the last important point is as to whether the action of the management in not considering the reinstatement of the applicant is legal and justified. Now let us examine the evidence of the management adduced on the point for consideration. Admittedly the applicant made a representation dated 16-11-1989 before the Senior Regional Manager, FCI, Regional Office, Bhopal which is marked as Exhibit M/7. This is an admitted document which is filed after 7 months of the acceptance of resignation. The representation dated 16-11-1989 shows as follows:

- (i) It is not mentioned in the representation that withdrawal application dated 27-3-89 was filed by the applicant but was not considered which indicates that such application was fabricated.
- (ii) It is also not mentioned that he was suffering from ulcerative colitis and neurosis and was under treatment from 6-12-88 to 10-11-89 though medical certificate was in his possession at the time of representation which creates doubt that the medical certificate is also created for the purpose of the case. Moreover this fact also falsify because he had joined on 13-4-1989 on duty when he was fit.
- (iii) He tendered resignation due to domestic problem without thinking his future. This fact corroborates the resignation application but did not corroborate the withdrawal application and Medical Certificate.
- (iv) It is admitted that the resignation was accepted on 17-4-1989 by the District Manager, Ujjain.

Thus this representation indicates that withdrawal application and medical certificate for the ground of illness are not reliable.

13. The management has filed the letter of the Asstt. Manager (Estt.) for Zonal Manager, Mumbai to Sr. Regional Manager, Bhopal which is marked as Exhibit M/8. It appears from the letter that as per FCI Regulation, the resignation once accepted was final and there was no provision for its withdrawal. The said letter further speaks that the provision of FR & SR of Govt. of India is not applicable in case of FCI. However, even if the case is considered under these regulation, even then the applicant is not entitled to reinstatement because after relieving of the workman more than 90 days have been lapsed which was one of the condition in those regulation. The workman representation was not accepted. It appears that the decision of the Zonal Office was communicated to District Manager, Ujjain which is Exhibit M/9 and the District

Manager also communicated to the workman which is marked as Exhibit M/10. These are admitted documents.

14. Thus from the discussion made above, it is clear that till 16-11-89, the workman had not taken the plea of illness and also the plea of withdrawal application which is alleged to have been not considered. These facts clearly show that these pleas are after thought when all the door was closed. I, therefore, find that the action of the management was justified and legal for not reinstating the applicant as there was no provision and also there was no reasonable ground for reinstatement. This issue is also answered in favour of the management.

15. In the result, the award is passed in favour of the management and against the workman without any order of costs.

16. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नवपुर के पंचाट (संदर्भ संख्या 67/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-07-2009 को प्राप्त हुआ था।

[सं. एल-22012/477/2004-आई.आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th July, 2009

S.O. 2294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur. As shown in the Annexure in the Industrial Dispute between the management of Saoner Sub Area of M/s. WCL, and their workmen, which was received by the Central Government on 28-07-2009.

[No. L-22012/477/2004-IR (CM-II)]

AJAY KUMR GAUR, Desk Officer

ANNEXURE

Case No. CGIT/NGP/67/2005

Dated : 14-7-2009

Petitioner : Smt. Anusayabai Chandricapure,
through Asstt. General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh
604, Behind Giripeth Post Office
Nagpur-440010

Party No. 2

Versus

Respondent : The Sub Area Manager,
Saoner Sub Area of M/s. W.C.L.
P.O. Saoner

Party No. 1

AWARD

[Dated 14th July, 2009]

1. The Central Government after satisfying the existence of disputes between Smt. Anusayabai Chandricapure Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/477/2004 IR (CM-II) dated 1-9-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following Schedule.

“Whether the action of the management of M/s Western Coalfield Limited, Saoner Sub Area P.O. Saoner, Distt. Nagpur (MS) in denying monthly monetary compensation to Smt. Anusayabai M. Chandricapure dependant mother of late Shekhar M. Chandricapure, General Mazdoor of Saoner Mine No. 2 is legal and justified? If not, to what relief Smt. Anusayabai M. Chandricapure is entitled?”

The Petitioner Smt. Anusayabai M. Chandricapure approached with the contention that she is a mother of deceased workman Shri Shekhar M. Chandricapure, who was working as a general mazdoor of Saoner Mines No. 2. She has claimed that she is entitled for the compensation @ Rs. 3000 per month for the death of her son Shekhar Chandricapure to maintained her livelihood and other family members which includes her disabled husband (now dead) and two unmarried daughters. There is no other earning member in her family after the death of her son and she had no source of income.

Further she contends that her 4.08 acres (1.65 hectares) bearing Khasara No. 239/2 Halka No. 13 of Gondegaon area was acquired by Gondegaon Project of the Western Coalfields Ltd. Son was offered employment and accordingly after appointment he was posted at Saoner Mine No. 2, against the acquisition of her land. On 29-5-2000 her son Shekhar Chandricapure expired on 29-5-2000 in a road accident making them earning-less. Thus, since the land is acquired, the family becomes earning-less and her son also expired practically the family had no source of income. She had moved an application with the proposal for the employment to her daughter, which was rejected. But letter was issued by the competent authority that the proposal for sanctioning monetary compensation has been processed and she was assured that it will take some time for getting the sanction. Later on the Personnel Manager, Wekoli/Saoner under his letter denying to grant a compensation. According to her she

being a mother and dependent on the deceased is entitled for the compensation and accordingly he has prayed to direct the Sub-Area Manager, Western Coalfields Ltd., Saoner to allow Rs. 3000 per month as a compensation for the death of her son.

The Respondent resisted the claim and denied to pay any compensation. According to it, the claim is not at all maintainable. The proceeding filed by the Petitioner, are not only vague but sham and frivolous. According to it she is claiming a compensation and relief in accordance with the Clauses 9.3.0 and 9.5 of NCW A. According to it, under the above provision the dependent means wife, or the husband as the case may be unmarried daughter, son, and legally adopted son if there is no direct dependent available as mentioned above. For employment younger brother widow, daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on his earning may be considered as dependent of deceased. As per Para No. 9.5.0 (1) in case of a death due to the mine accident, the female dependent would have an option to either accept the compensation @ Rs. 3,000 per month or a employment irrespective of the age.

According to it, the land of the applicant was acquired by the Respondent for which compensation was paid to the Petitioner besides the service to her son. Latter on her son died in a road accident which has no concern with the working as well as the duties of the Petitioner. He did not die while on duty or in a mine accident. The applicant has received the monetary benefit arising out of the service of late Shri Shekhar Chandrikapure, that amount is more than sufficient to maintain one person and she cannot be granted a luxurious compensation. Moreover, the Petitioner is claiming equitable remedy as well as discretionary relief arising out of the contract, if any, which is beyond the jurisdiction of Industrial Tribunal. The Petitioner does not come under the definition of a dependent under NCWA. She does not come under the definition of family and no compensation can be given to her. She does not fall in ambit of Clause 9.5.0 and therefore it requires to be dismissed summarily. Thus according to it the claim is mischievous and frivolous the management has prayed to dismiss it.

I have heard the parties and counsel for the respondent there are no disputes regarding the death of Shri Shekhar Chandrikapure who was a General Mazdoor of Saoner mine. It is unfortunate fact but he expired in a road accident on 29-5-2000. It is also a fact that under agreement NCWA the mother is not a dependent on the son. No doubt, she may be legal heir under the provision of Hindu Succession Act, but that act has no concerned with the agreement called as NCWA. It is independent separate agreement under the provision of Industrial Disputes Act, 1947 as agreed between the management and after discussion in JBCCI. It is a settlement between management and the unions which is binding on both the parties including on the workman. Therefore, they would

govern by the provisions of Clause 9.3.0 and 9.5.0. These are binding on the Petitioner which has excluded mother from the definition of the dependent. Even the widow mother is also not included in the list of dependent in the above provisions. At the time of death of her son her husband was living and therefore there is no question of dependency of the mother petitioner. In fact, there are no provisions at all providing compensation or making it to pay the compensation to the dependent of the employees or workman who died beyond the duty hours having no concern with the duties as well as in a mines accident. Undisputedly, the Petitioner expired in road accident while he was enjoying he leave. In such circumstances, neither the provision of NCWA nor any other provisions are helpful to the Petitioner. Undisputedly, she received the compensation amounting to Rs. 4,13,000 as against the acquisition of her field. If that was insufficient she had other remedy but she is not at all entitled under the above agreement for any compensation as he died without concerned with his duty and in any mine accident. The submission regarding the acquisition of land is totally different having no concern with the compensation due to untimely death. Undisputedly she had received all the benefit which were available after the death of her son like payment of gratuity and other allowances as per rules. Therefore, more compensation @ Rs.3,000 per month has no base and in my view she is not entitled for it. Hence, her demand is rejected and I pass a negative award.

Date: 14-07-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का.आ. 2295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 95/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2009 को प्राप्त हुआ था।

[सं. एल-40012/85/97-आई.आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 29-07-2009.

[No. L-40012/85/97-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case I.D. No. 95/98

Sh. Ram Phal Suhag, S/o Sh. Man Singh, R/o V.P.O. : Maten
Hail, Distt. Rohtak

...Applicant

Versus

The General Manager, Telecommunication.

...Respondent

APPEARANCES

For the Workman : In person

For the Management : Sh. G. S. Babbar

AWARD

Passed on : 21-7-2009

The Government of India vide notification No. L-40012/85/97/IR (DU) dated 12-05-1998, referred the following industrial dispute for judicial adjudication to this Tribunal :—

“Whether the action of the management of Department of Telecommunication, Rohtak in passing orders dated 30-9-94 for removal from service against Sh. Ram Phal Suhag Telephone Operator is just and legal ? If not, what relief the workman entitled for ?”

After receiving the reference, both of the parties were informed. Parties appeared and filed their respective pleadings. Opportunity for adducing evidence was also afforded to the parties.

On perusal of pleadings and evidence of the parties, it is evident that workman has challenged the removal order on the ground of violation of principle of natural justice. The main issues for the adjudication of this reference are as follows :—

1. Whether there has been a violation of any rules of principle of natural justice by the Enquiry Officer while conducting the inquiry, and by disciplinary authority while awarding punishment ?
2. Whether Enquiry Officer has rightly appreciated and evaluated the evidence adduced by the parties during the inquiry proceedings before submitting the inquiry report ?

It is the contention of the workman that he was appointed as Telephone Operator on 1-11-79 and was lastly posted as such in Charkhi Dadri, Bhiwani, Haryana on 8-2-1987. He fell sick and doctors attending him advised

him for the rest of 15 days. Accordingly, he submitted his medical certificate for the said period and thereafter, he remained on medical leave. Medical certificates were submitted to the officer concerned from time to time. Suddenly, he was given the charge-sheet for his unauthorized absence from the office from 8-2-87. He replied the same, but a domestic inquiry was ordered to be conducted. At the time of sending reply, he requested the Department for permitting him to join duties during inquiry proceedings, but his request was ignored and turned down by respondent No. 1, vide letter No. Staff/General-RLG/79, dated 21-4-93, with the following orders :

“The official should have been proceeded against and action taken under conduct rules for his absence without intimation. Since there is no post of T.O. in Rohtak, SSA, as TOs are in surplus, the official may not be taken on duty on this state. Please expedite disciplinary proceeding against the official and report result thereof to this office.”

As per the contention of the workman, after this order inquiry was conducted. Proper opportunity was not afforded to him and on the basis of inquiry report he was removed from the services by the disciplinary authority. It is also the contention of the workman that he requested for joining the duties, but was not permitted, reasons known to the management. He was not permitted to work on his repeated requests, which shows the mental status of enquiry officer and disciplinary authority.

The Telephone Department in its reply has contended that workman was given proper opportunity of being heard. All the communications were sent on his residential address provided by the workman to the Telephone Department. The workman w.e.f. 8-2-87 absented without any intimation.

No application for leave or medical certificate was provided by the workman to the management of Telephone Department. The workman did not reply to any of the letters of the bank. It was only after the receiving of charge-sheet on 24-9-92 that he replied without any corroborating medical certificate or application for leave. Dissatisfying with the reply a Departmental inquiry was ordered to be conducted. The workman, along with his defence representative presented on all the dates fixed for hearing by the enquiry officer.

The management of Telephone Department has not replied the issue alleged by the workman that he was not permitted to join the duties on repeated requests. On perusal of the evidence of parties, it is evident that the workman has contended that on account of the denying to join the duties by the management on his repeated request, he could not defend himself properly. On the basis of it, the workman has challenged the termination order being violative of principle of natural justice.

It is true that it was the right of the workman to join the duties on the day he requested to join. It was the corresponding duty of the management of Telephone Department to permit him to work. This right of the workman to join the duties is not absolute because it in no way effected the right of the management to conduct a

Departmental inquiry and to award the appropriate punishment for his unauthorized absent w.e.f. 8-2-87 till the day the workman presented himself to the management and requested for joining the duties. It was an infringement of the right of the workman. The question is whether the violation of his right in any way affects the inquiry proceedings.

The principle of natural justice, in the present time, has different implications. The authority adjudicating any right on the principle of natural justice has not only to evaluate the violation of principle of natural justice but has to consider the prejudice caused to the workman by such violation. In *Haryana Financial Corporation Vs. Kailash Chand*, Hon'ble Supreme Court of India propounded the same principle and held :—

"It is settled law that principles of natural justice have to be complied with. One of the principles of natural justice is *audi alteram partem* (hear the other side). But it is equally well settled that the concept of "natural justice" is not a fixed one. It has meant many things to many writers, lawyers, jurists and systems of law. It has many colours, shades, shapes, and forms. Rules of natural justice are not embodied rules and they can't be imprisoned with the straitjacket or a rigid formula. Even if hearing is not afforded to a person who is sought to be affected or penalized, it can be argued that "notice would have served no purpose" or "hearing could not have made difference" or "the person would not have offered any defence whatever". The position earlier in English Law was that non compliance with natural justice rendered the decision null and void, and no further inquiry was necessary. The recent trend is of "prejudice". Even in those cases where procedural requirements have not been complied with, the action has not been held *ipso facto* illegal unless it is shown that non-observation had prejudicially affected the applicant."

Accordingly, this Tribunal has to consider the prejudice caused to the workman by not allowing him to join the duties. I have gone through the entire inquiry proceedings. The workman has been present throughout on all the dates fixed for the hearing of the inquiry along with his defence representative. He was afforded the opportunity for cross-examine the management witnesses and to adduce the evidence in defence. Thus, in my view, there is no prejudice caused to the workman for denying to join the duties. Proper, fair and a bona fide inquiry was conducted by the Department for unauthorized absent of the workman from 8-2-87 to 24-9-92 (the day on which workman requested for joining duties).

There is a difference in conducting a bona fide and a fair inquiry and the decision making of enquiry officer on the evaluation of the evidence adduced by the parties. There may be cases in which there is no procedural error or mistake in conducting the departmental inquiry, but the decision making of the enquiry officer may suffer due to the perversity or some other such reasons. I have also considered this issue. The workman has failed to prove even *prima facie* for his cause of absence even before this

Tribunal from 8-2-87 to 24-9-92. For more than 5 years the workman absented without any leave or medical certificate. It was only disclosed to this Tribunal that on 8-2-87, the workman moved a medical certificate for 15 days through some co-worker, but this fact was not proved before the enquiry officer and it remained unproved even before this Tribunal. It means no medical certificate was provided by the workman to the competent authority. Moreover, it is contended that a medical certificate was provided for 15 days on 8-2-87. No leave application was moved by the workman. On perusal of the materials on record, it is also evident that from 8-2-87 to 24-9-92, the workman absented from duties and it was on issuing the charge-sheet that he presented to the department for joining his duties. There is no evidence adduced by the workman to prove even *prima facie* that he absented for more than 5 years for some bona fide need or requirement. During inquiry, his unauthorized absence was well established by the evidence of the management. Before conducting the inquiry, several notices were sent to the workman on his residential address. The notice of charge-sheet was received by the workman on the same address, but he refused to receive other letters. The letters were sent to him through registered post and the endorsement of the postal department on the letters proved that the workman deliberately ignored the notices. Accordingly, the enquiry officer has rightly evaluate the evidence and given the finding of his unauthorized evidence fore more than 5 years. No doubt the enquiry officer has shown the workman absent till the date of removal from the services. This part of the enquiry report require inference by this Tribunal that from 24-9-92 (the day on which workman requested to resumed the duties) he cannot be treated unauthorized absent. This part of the inquiry report is separable from the rest. The workman has approached to join the duties on 24-9-92, but his request was turn down by the management. Thus, he was not unauthorized absent from 24-9-92 onward and he will be presumed, to remain in office from 24-9-92 till the date of his removal from the services. Accordingly, the workman will be eligible and entitle for the wages from 24-9-92 till the date of his services were terminated. The denial to resume the duties, as stated earlier will be having no effect on the inquiry proceedings conducted by the enquiry officer and on the punishment awarded by disciplinary authority. Accordingly, I am of the view that a fair and proper inquiry was conducted by the management and the workman was rightly removed from the services, on the basis of his unauthorized absence from 8-2-87 to 23-2-92. The workman is entitled for the wages from 24-9-92 till the date of his removal from the services. Thus, the management of Telephone Department is directed to pay the wages from 24-9-92 till the date, removal order was passed by the prescribed authority within one month from the date of publication of this award. Apart from it, workman is not entitled for any remedy. As stated earlier, his removal from the services was as per the provisions of law. Let Central Government be approached for the publication of the award, and thereafter, file be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का. आ. 2296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 173/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2009 को प्राप्त हुआ था।

[सं. एल-40012/115/2003-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 173/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 29-7-2009.

[No. L-40012/115/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case No. I.D. 173/2004

Smt. Pawan Kumari, C/o General Secretary, Trade Union Council, Patiala, Patiala. . . Applicant

Versus

The Deputy General Manager, Telecom (Bharat Sanchar Nigam Limited), Sangrur. . . Respondent

APPEARANCES

For the workman : Shri Sarabjit, A.R.

For the management : Shri G.C. Babbar, A.R.

AWARD

Passed on 21-7-2009

Government of India vide Notification No. L-400 12/115/2003-IR (DU) dated 19-4-2004, by exercising its power under Section 10 of the Industrial Disputes Act (hereinafter referred to as an Act), referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of Dy. General Manager, Telecom, Sangrur in terminating the services w.e.f. 7-6-2002 Smt. Pawan Kumari W/o Shri Pardeep Kumar, Ex-Safai Sewika is just and legal ? If not to what relief the workman is entitled to and from which date ?”

It is the contention of the workman Smt. Pawan Kumari that she was employed as Safai Karamchari by the management of Telecommunication on 1-1-1990. Her services were terminated on 7-6-2002 without notice, charge-sheet, enquiry, or retrenchment compensation. She was drawing Rs. 400 P.M. at the time of her termination. On her repeated requests, her services were not regularized. Her services were terminated and new hands were appointed. She is unemployed since the date of her termination. The workman had prayed for her reinstatement into the services with back wages.

The management of Telecommunication contested the claim of the workman by filing written statement. It is the contention of the management that claim of the workman is barred by the principle of res judicata because on the similar cause and concern the worker preferred a petition before the Central Administrative Tribunal, Chandigarh Branch, Chandigarh by way of O.A. No. 592-CG 2002, which was dismissed on 11-11-2002 on merits. It is also contended that the workman was engaged on part time for ½-1 hour a day for the sweeping job as per the requirement from time to time on fixed amount negotiated with the claimant. She is neither a casual labour nor an employee of the department; therefore, her request for regularization of service cannot be accepted. She was never engaged as full time worker and she had never worked continuously with the respondent. There was no sanctioned post for Sweeper in the office of Telecommunication (now BSNL) at Sunam, either on part-time or full time basis. There is no relationship of master and servant between the workman and the management, so there was no requirement for any notice or retrenchment compensation and charge-sheet. It is further contended that the workman has not completed 240 days in any of the years; she was engaged for sweeping work.

Both of the parties were afforded the opportunity of adducing evidence. Smt. Pawan Kumari was examined as WW-1 whereas Shri Subhash Kumar was examined as WW-2. On behalf of the management Shri B. K. Mittal, D.E.E. (Planning), Sangrur, was cross-examined. On perusal of the entire evidence on record, it is evident that the witness of the management Shri B. K. Mittal has admitted the regular working of the workman with the management from 1-1-1990 to 6-6-2002. In para no. 2 of his cross-examination he has answered 9 questions as follows :

“It is correct to state that the workman had regularly worked with the management from 1-1-1990 to 6-6-2002. She was working as part-time sweeper.”

Thus, there is no hesitation for me to accept the contention of the workman on admission of the management that she worked with the management on almost 12 years regularly. It means she has completed 240 days in the preceding year from the date of her termination. Facts admitted need not to be proved. MW-1 has specifically admitted the continuous work of the workman, so no further proof is required.

The management has linked the work of the workman as part time sweeper for the regularization of her services. The question of regularization of her services is altogether different than the protection of right to work under the provisions of the Act. The Safai Karamcharis who have completed 240 days of work with the management as full time Karamchari were regularized by the scheme of the management. It does not mean that the part-time Sweepers, not covered for regularization of services, has no right under the provisions of the Act. As per the present trend of service jurisprudence, the services rendered by a part-time worker, is protected under the provisions of the Act. There is no bar for termination of the services of a part-time workman, but the Act imposed an embargo on the termination of their services against the provisions of the Act. Meaning thereby, the services of a part-time worker can be terminated but as per the provisions of the Act. It is admitted case that the workman worked regularly as part-time sweeper with the management and had completed 240 days in the preceding year on the date of her termination and her services were terminated without notice, one month's wages in lieu of notice, or retrenchment compensation. This made the termination of the workman illegal and void being against the provisions of the Act.

Moreover, it is also admitted that after termination of the services of the workman, the work of sweeping was taken from the new hands. This work is still being taken by the new hands who are working as part-time sweepers. It is also the admission of the witness of the management that prior to engaging the new hands, opportunity was not given to the workman to carry out the work. This is also against the provisions of the Act, which made the termination of the workman void and illegal.

The issue of res judicata has also been raised by the management. The principle of res judicata is not applicable in this reference. On perusal of the order passed by the Central Administrative Tribunal in OA No. 592-PB of 2002, it is evidently clear that the petition filed by the workman was dismissed on two grounds. Firstly Central Administrative Tribunal has no jurisdiction to dispose of the matter and secondly, the workman was not covered in the scheme of regularization.

As stated earlier, if the workman was not covered in a particular scheme for regularization, it does not give free hand to the management for termination of her services as part-time worker on its whims. For termination of the services of the workman, the procedure laid down in the Act had to be complied with. The procedure was not complied with by the management which made the termination of the workman illegal and void.

When the termination has been declared void being against the provisions of the Act, there are two possible remedies available to the workman. The first remedy is to reinstate him into the services with or without back wages,

and the second remedy is a reasonable compensation, which should be calculated on a reasonable criteria. On the basis of the facts and circumstances of the case and also applying the sound principles of service jurisprudence that priority should be given to protect the right to work, I am of the view that reinstatement into the services of the workman with full back wages is the appropriate remedy. Accordingly the management is directed to reinstate the workman with full back wages within one month from the publication of this award. Let the Central Government be approached for publication of the award, and, thereafter, file be consigned to the record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का. अ. 2297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 127/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2009 को प्राप्त हुआ था।

[सं. एल-40012/103/98-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 127/99) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 29-7-2009.

[No. L-40012/103/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case No. LD. 127/1999

Smt. Neelam Chadha W/o Shri R. K. Chadha
C/o A. L. Vohra, H. No. 3059/1, Sector 44-B,
Chandigarh ... Applicant

Versus

The Director, Telecom Project-II, D/o Telecom, Good
Wood Estate, Madhav Kunj, Bharat Road, Shimla,
Himachal Pradesh-171001 ... Respondent

APPEARANCES

For the workman : Shri A. L. Vohra, Advocate

For the management : Shri I. S. Sidhu, AR

AWARD

Passed on 21-7-2009

Government of India vide Notification No. L-40012/103/98/IR (DU) dated 6-5-1999, by exercising its power under Section 10 of the Industrial Disputes Act (hereinafter referred to as an Act), referred the following industrial dispute for adjudication to this Tribunal :

“Whether the action of the Director, Telecom Project, Shimla in terminating the services of Smt. Neelam Chadha W/o Shri R.K. Chadha is legal and justified ? If not, to what relief the workman is entitled” ?

Parties appeared before this Tribunal and filed their respective pleadings. On perusal of the pleadings of the parties, it is evident that the main issue for adjudication before this Tribunal is : whether Smt. Neelam Chadha worked with the management as typist in February, 1996 as well, and has completed 240 days of work in the preceding year from the date of her termination ? The consequential issues arises whether Smt. Neelam Chadha is entitled for any relief ? It is the contention of Smt. Neelam Chadha that she joined the Telecom Department as typist on daily wages on 12-8-1995 and worked up to April 1996. She has completed 240 days of work in the preceding year from the date of her termination. Her juniors were retained in services, whereas, her services were terminated. It is further contended by the workman that she was paid wages in the name of Neena Chadha instead of her correct name Neelam Chadha. It was done by the Telecom Department as per the practice prevailing to prevent the workman to complete 240 days.

The management denied and contended that Smt. Neelam Chadha has not worked in the month of February, 1996 but one Meenakshi had worked in February, 1996 and she was paid the wages accordingly. The workman had not completed 240 days because she had not worked with the management in the month of February, 1996.

Apart from it, the management has further contended that Telecommunication is not an industry and the project for which the workman was employed had been completed.

Both of the parties were afforded the opportunity for adducing evidence, oral and documentary. I have heard learned counsel for the parties and perused entire materials on record. The workman has filed photocopies of vouchers for the payment of wages for the month of February, 1996. The voucher is signed in the name of Neena Chadha. The workman has also filed certain documents to prove that she had worked with the management of Telecommunication in the month of February, 1996.

The workman was cross-examined as WW-1 and Smt. Shanti Verma who filed the affidavit in support of the workman was also cross-examined as WW-2.

There is no dispute regarding the working of the workman with the management from 12-8-1995 to April, 1996, except February, 1996.

It is contended by the workman that it is the practice in the department to pay the wages to a daily wager in different name to prevent the workman to complete 240 days which are required under the provisions of the Act, for the protection of the right to work. In her affidavit she has specifically mentioned that she was paid wages for the month of February, 1996 in the name of Neena Chadha instead of Neelam Chadha. The genuineness of the document filed by the workman regarding the payment of wages for the month of February, 1996 has been admitted by the witness of management MW-1. Shri Madan Singh, Sub Divisional Engineer in his cross-examination at page No. 2 stated that he cannot tell the name of the official who allowed the payment of Ex. M-3 to Neena Chadha on 11-3-1996. He has never seen workman Neena Chadha in the office. It means that this voucher was properly passed by the office of the management. The workman Smt. Neelam Chadha by the other documents Exs. W-3, W-4, W-5 and W-6 has proved that she had worked with the management in the month of February, 1996. The original documents of Ex. W-3 and W-4 have been filed by the management. On perusal of the original documents it is evidently clear that Smt. Neelam Chadha made certain transactions in the month of February, 1996 on behalf of the management. All these documents are not denied but only once it is stated by the witness of the management that they have been obtained after the date. The signature of Smt. Neelam Chadha, workman are available on the original documents, which are lying in the custody of the management. It is not answered by the management how these original signatures came on the documents which are in the custody of the management. Thus, it seems that Smt. Neelam Chadha has worked with the management in the month of February, 1996.

Now the question arises whether there is any practice in the management of Telecommunication to pay the wages to some worker with different name ? To prove it the workman has produced WW-2 Smt. Shanti Verma who has also asserted that she was also paid in different name and the vouchers by which she was paid by different name was also filed by her, which is on record as Ex. W-7. Ex. WW-2 has categorically stated that in the month of February, 1996 she was paid the wages of 27 days on 11-3-1996 in the name of Meena Verma. Again the genuineness of this document has not been challenged by the management but it is only stated that he (MW-1) did not know who passed the voucher Ex. W-7. It means that by the witness the identity of the officer who passed the voucher is disputed and not the passing of the voucher. It further

means that there was a practice in the management office to pay the wages to the same workman in different name.

The management has challenged the acceptance of wages by the workman in different name. In this regard, it is open to this Tribunal to consider the circumstances under which the workman was working with the management and the difference in the status of parties. The workman was working with the management under the contractual obligation and when it comes to the notice of the Tribunal that one of the parties is in position to dominate the other, the Tribunal should take decision very cautiously. The management of Telecommunication was certainly in the position to dominate the will of the workman, so there was no option left to the workman but to accept the wages of February, 1996 in different name.

The view is also corroborated by the circumstances that up to 31-1-1996, workman Smt. Neelam Chadha worked with the management and was paid wages, and thereafter, from 1-3-1996 she was again available to the management to work as such. The management utterly failed to prove the circumstances under which Smt. Neelam Chadha, the workman had not worked in February, 1996, whereas, she was available in the month of January, 1996 and March, 1996. Thus, there is a force in the contention of the workman that there is a practice in the department to prevent a workman to complete 240 days, by paying the wages in the different name. Smt. Neelam Chadha was also paid wages in the name of Neena Chadha. It is not only the unlawful practice adopted by the management but the legislative fraud committed by the management. On cogent evidence Smt. Neelam Chadha has proved that she had also worked in the month of February, 1996 but she was paid the wages in the name of Neena Chadha instead of Neelam Chadha. The management failed to prove even prima facie about the whereabouts of Meenakshi who is said to have also worked with the management in the month of February, 1996. There is no dispute on the issue that Smt. Neelam Chadha continuously worked with the management and accordingly, she has completed 240 days with the management prior to her termination.

On the basis of functions discharged and activities carried on the management of Telecommunication, particularly by the workman during the period in question, I am of the view that as per the ratio of judgment in Bangalore Water and Sewerage Board Versus A. Rajappa & others case, (AIR, 1978 Supreme Court-548) the management of Telecommunication is an industry.

Smt. Neelam Chadha, prior to raising the industrial dispute moved to the Hon'ble High Court. Thereafter, she preferred a petition to Central Administrative Tribunal and after dismissal of her petition on jurisdictional issue she raised the industrial dispute. Thus, she was altogether trying to get her grievances redressed but unfortunately she opted the wrong forum. She did not opt the right forum. Accordingly, it cannot be said that the reference or the

industrial dispute suffered with latches. As per the evidence available on record the management was having the work and still having the work so there is no force in the contention of the management that project for which the workman was engaged has been closed.

No notice, one month's wages in lieu of notice or retrenchment compensation was paid to the workman in compliance of the provisions of the Act, which made the termination illegal and void.

Whenever the termination of any workman is declared to be illegal and void, there are two possible remedies available to the workman. The first remedy is reinstatement of the workman into the services and the second remedy is a reasonable compensation to compensate the workman for his wrongful termination. It is settled principle of service jurisprudence that the court should try to protect the right to work, and if possible and practicable the workman should be reinstated into service with or without back wages. As stated earlier that the work was available to the department and the legislative fraud was committed by the department by paying the wages to the same workman in different name to prevent the workman to complete 240 days, I am of the view that workman is entitled for reinstatement into the services with full back wages. Accordingly, the management of Telecommunication is directed to reinstate the services of the workman and to pay entire back wages subject to enhancement of wages, if any, within one month of the publication of the award. Central Government be approached for publication of the award, and thereafter file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का. आ. 2298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैंस अनुसंधान संस्थान के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 133/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2009 को प्राप्त हुआ था।

[सं. एल-42012/110/1992-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 133/1993) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 29-7-2009.

[No. L-42012/110/1992-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case No. 133/1993

Shri Suresh Kumar, C/o President, District Agriculture
Workers Union, 123/5, Jawahar Nagar, Hissar-125001

... Applicant

Versus

The Director, Central Institute for Research on
Buffaloes, Hissar-125001.

... Respondent

APPEARANCES

For the Workman : Shri Sandeep Bardwaj

For the Management : Shri R. K. Sharma

AWARD

Passed on 21-7-2009

Government of India by exercising its powers under Section 10 of the Industrial Disputes Act, referred the following industrial dispute for adjudication to this Tribunal vide Notification No. L-42012/110/1992 IR (DU), dated 20-10-1993.

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar for terminating the services of Shri Suresh w.e.f. May, 1988 is justified? If not, what relief the workman concerned is entitled and from what date?"

After receiving the reference both of the parties were summoned. Parties appeared and filed their respective pleadings and adduced evidence oral and documentary.

On perusal of pleadings and evidence of the parties, the main issues for adjudication are as follows :—

1. Whether the respondent is an industry?
2. Whether the workman Shri Suresh Kumar abandoned his work voluntarily?
3. To what relief, if any, the workman is entitled?

I am answering these issues one by one :—

The term 'industry' has been defined in Section 2(j) of the Industrial Disputes Act, 1947, to mean any business, trade, undertaking, manufacturing or calling upon employers and includes any calling, services, employment, handicraft or industrial occupation or avocation of workmen. In Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and Others AIR, 1978 Supreme Court 548, seven Judges Bench of Hon'ble the Apex Court has defined the word 'Industry'. As per the above mentioned law laid down

by the Apex Court, industry has defined in Sub-section 2(j) as a wide term and import as :—

- (a) Whether there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss), prima facie, there is an industry in the enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Thus, the test (specially triple test) referred by Hon'ble the Apex Court in Bangalore Water Supply case (supra), are necessary to qualify any institution to be an industry.

Regarding the sovereign functions, Hon'ble the Apex Court in Bangalore Water Supply case (supra), has held that sovereign functions strictly understood cannot alone qualify the exemption, nor the welfare activities or economic advantage undertaken by Government or statutory bodies. Even in departments discharging sovereign functions, if there are units which qualified to be the industry and they are substantially several then, they can be considered to come within Section 2(J) in the definitions of Industry.

On the basis of the nature of work carried on by the management of respondent, the respondent is an industry. As per the law laid down by the Supreme Court in Bangalore Water Supply case every research institute cannot seek exemption from the term industry.

Moreover, if any research institute have number of units, as per the law laid down by the Apex Court in Bangalore Water Supply case (supra), one unit may come within the definition of industry, whereas, another unit on the basis of the functions discharged and activities carried on can seek exemption. Thus, on the basis of the functioning of the respondent and the work which was discharged by the workman assigned to him by the management, I am of the view that as per the ratio of the judgment of the Supreme Court in Bangalore Water Supply case (supra), the management is an industry.

It is the contention of the management that workman voluntarily abandoned his services in October 1987.

Workman denied it and contended that his services were terminated in May 1988. The Management has provided the photocopies of attendance register and muster roll from May 1986 to October 1987. Even after October 1987, daily waged worker rendered the services to the respondent. The copies of attendance register and the muster roll have not been provided up to May 1988. It is not the case of the management that after October 1987, the services of the daily waged worker were not taken and payment by muster roll was not made good. It is not also the contention of the management that muster rolls are not available. Management should have filed muster roll up to May 1988. Just to show to the Tribunal that after October 1988 the name of the workman had not found place in muster rolls. Thus, reasons known to the management, even after having the original muster rolls for the period of November 1987 to May 1988, the management has failed to file the same.

Moreover, it is admitted by the management that after termination/abandonment of the services of the workman few new workers were appointed. Letter No. 1-10 E. 1/86, dated 10-2-1992 disclose this issue that workman requested the management for providing the job but his request was turned down on two grounds. The first ground was that he has turned up after thirty three months and, secondly at his place workers were appointed and they have completed 240 days. On perusal of the materials on record, it is evident that right from the day the workman was disengaged from the work; he was trying to seek the remedy for getting job. He has contended that previously he was orally requesting and thereafter, gave an application in writing. On refusal to give work the workman raised an industrial dispute and on account of failure of conciliation report, this reference.

Thus, it is clear that workman had made all possible efforts continuously to get his grievances redressed. He requested the management to seek the work but was not allowed to work by the management on the pretext that workers appointed at his place, have completed 240 days. In his cross-examination, the witness of the management, Shri Anil Bihari has specifically answered to the question asked by the Tribunal that he has no knowledge whether the workman abandoned the work. The workman knows it better. The workman has denied that he has abandoned the job, but his services were terminated in May 1988. This fact is corroborated by failure of management to file the muster rolls from November 1987 to May 1988. Hence, adverse inference is taken that management deliberately failed to file the muster rolls from November 1987 to May 1988. The nature of adverse inference is that it shall be presumed that workman has worked up to May 1988.

Thus, I am of the view that the workman has not abandoned his job. His services were terminated by the management of respondent in May 1988. New workers after

the termination of the services of the workman were recruited by the respondent. Admittedly, he was not given any chance to work before recruiting the new faces. It is the violation of the rights of the workman under the provisions of the Act.

Considering the facts and circumstances of the case, the termination of workman is illegal and void being against the provisions of the Act.

Whenever, the termination of the workman is declared void by the tribunal, there are two possible remedies available. Firstly, the management may be directed to reinstate the services of the workman with or without back wages and another is that workman may be compensated by a reasonable compensation. The priority should be given for the protection of right to work and the Tribunal should direct the management for reinstate the services of the workman and it should be only in exceptional circumstances, where there is no work available etc., the management should be directed for reasonable compensation to the workman. In this case, it is admitted that work is available with the management. Thus, the management is directed to reinstate the services of the workman within one month from the date of publication of the award, with full back wages. Let Central Government be informed for publication of award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का. आ. 2299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/34 ऑफ 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2009 को प्राप्त हुआ था।

[सं. एल-40011/5/2004-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/34 of 2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 29-7-2009.

[No. L-40011/5/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/34 of 2004

Employers in relation to the management of Telecom
FactoryThe Chief General Manager,
Telecommunications,
Maharashtra Circle,
Mumbai-400 001.

.....First Party

Vs.

The Circle Secretary,
National Federation of Telecom
Employees BSNL,
Union Telecom Factory Circle,
Deonar, Mumbai 400 088

.....Second Party

APPEARANCESFor the Employer : Shri S. B. Kadam,
AdvocateFor the Workman : Shri J. H. Sawant,
Advocate

Date of reserving the Award : 6-4-2009.

Date of passing the Award : 9-6-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-40011/5/2004-IR (DU) dated 20th August, 2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the demand of the union for treating the period of suspension (from 1-8-86 to 11-4-2001) of the workman Sh. B. S. Khade, Machine Operator, as on duty for the purpose of drawal of full pay, allowances and other consequential benefits i.e. continuity of service, earning leave and increments, pension, gratuity and promotion etc. is legal, proper and justified ? If so, to what relief the concerned workman is entitled ?”

2. Claim Statement is filed by the Circle Secretary, National Federation of Telecom Employees' BSNL Union stating and contending that, the concerned workman Shri B. S. Khade was placed under suspension by the Management with effect from 1-8-1986 as he was involved

in criminal case. In the said case he was acquitted by the Sessions Court, Bombay. According to Union, after decision of the said Sessions case his suspension order was revoked by the Management and he was permitted to resume duty w.e.f. 12-4-2001. It is case of the Union that he was permitted to report on duty from 12-4-2001 but he was not awarded all wages and consequential benefits of the period of suspension i.e. from 1-8-1986 till 11-4-2001. So it is prayed that the Management be directed to give him all the benefits of the suspension period i.e. pay and allowances attached to his post.

3. This is disputed by the Management by filing its reply at Exhibit 14 stating and contending that the Union cannot claim full wages and other consequential benefits for Shri Khade, the concerned workman since he was suspended due to his involvement in the criminal case. It is stated that the Police arrested Shri Khade and was detained by the Police and even he was prosecuted by the Police. It is stated that though he was acquitted but it was not honourable acquittal. It is stated that the said acquittal was on the ground of insufficient evidence brought before the Court by the Police. Since he was arrested Management has to suspend him and as such the concerned workman is not entitled for any benefits for the period for which he did not work i.e. from 1-8-1986 to 11-4-2001. It is further stated that in fact the concerned workman worked for 8 months only before he was arrested and before he was suspended he was not permanent and he cannot claim benefits of permanent employee. As per Government rules if an employee is arrested he is require to suspended. In fact such an employee ought to have been removed by the Management from service. It is stated that, however, lenient view was taken by the Management and the concerned workman was placed under suspension. It is further stated that as per suspension rules subsistence allowance was paid to the concerned workman from 1-8-86 to 27-1-1987. It is further stated that, from 28-1-1987 to 11-4-2001 he was paid full pay and allowances as subsistence allowances. It is stated that since he was prosecuted, the Management had no option but to wait for the decision of the Sessions Court and after receipt of the decision of the Sessions Court suspension was revoked and he was permitted to report on duty. It is stated by the management that as per Rule FR 54 (5) (ii) r/w FR 54 (6) (ii) employee of this type require to suspend as soon as he was arrested by the Police. Besides Rule 27 of Certified Standing Orders permit Management to place such an employee under suspension. It is stated that no provision is pointed out by the Union and the concerned employee to show that how he can get benefits of suspension period and consequential benefits as prayed. It is prayed that the demand of the Union about Khade to give him benefits of the wages to Khade of the suspension period does not require to consider.

4. In view of the above pleadings following Issues were framed as Exhibit 16 which I answer as follows :

Issues	Findings
1. Whether the period of suspension from 1-8-1986 to 11-4-2001 can be past duty of workman, Khade ?	No
2. Whether he can claim full pay, allowances and other consequential benefits i.e. continuity of back wages, earned leave, gratuity ?	No
3. What order ?	As per order passed below.

REASONS

ISSUE NOS. 1 & 2

5. It is the case of the Union that Shri Khade was arrested by Police on 1-8-1986. He was placed under suspension from that date. He was acquitted by the Criminal Court. Since he was suspended on account of his arrest by the Police in criminal case, no benefits of full wages of the suspension period were given to the concerned workman. It is prayed that, the Management be directed to give him full pay and allowances and other benefits for all purposes as if he was not suspended during the suspension period from 1-8-1984 to 11-4-2001. It is disputed by the Management saying that, as per F. R. 54(5)(ii) r/w F.R. 54(6) (ii) of the Regulations does not empower Management to take such action and as per the other provisions as pointed out these employees cannot get benefits of pay and allowances as well as benefits attached to his post of that period. It is stated that he was arrested by the Police in criminal case on the charge of murder and was prosecuted by the Police and that he was acquitted, it does not mean that he was acquitted honourably.

6. To prove that, 2nd Party placed reliance on the affidavit of Shri A. G. Kamble, Circle Secretary of 2nd Party, at Exhibit 19 in lieu of his examination-in-chief where he repeats the same story as stated in the Statement of Claim and in the cross he states that he did not know what type of charges were levelled against the concerned workman. He states that he is deposing on the basis of the record maintained by the Union and on the basis of the Police record and on that Union closed its evidence by filing closing purshis at Exhibit 25.

7. Against that, Management examined its witness Mr. Mahavir Singh by filing his affidavit at Exhibit 22, in lieu of his examination-in-chief. In the affidavit Management tried to justify its action and tried to explain how concerned workman is not entitled for the benefits for which he made his demand. Even he admits that other employee like K. G. Choudankar, A. K. Jain, M. S. Sawant, D. B. Pawar, S. B. Patil who were also arrested and placed under suspension were granted full wages for the period of suspension on account of acquittal in criminal case.

8. Written arguments were submitted by the Union at Exhibit 26 which were replied by the Management by reply at Exhibit 27.

9. Admittedly, the concerned workman Khade was arrested by the Police. He was prosecuted and he was acquitted in the criminal case. Admittedly he was reinstated after acquittal by the Sessions Court. The claim of the Union is that the concerned workman is entitled for full wages and all the benefits attached to the post for the above period. It is to be noted that no any provision is pointed out to show that, when the concerned workman is arrested and prosecuted as well as when acquitted is entitled for full wages and all benefits. On the contrary reasons given by the Management permit it to terminate such an employee but here instead of terminating the concerned workman, Management has taken lenient view and they allowed him to report on duty.

10. Management admitted that other 4-5 employees who were prosecuted like him, were reinstated and were benefited by giving all wages and other benefits. If at all it is discrimination of the Management and on the ground of discrimination in my considered view Union cannot claim same relief on the ground of discrimination for this workman. If at all it is discrimination of the Management and for discrimination I feel prayer of this type is not worth to consider and will not help 2nd Party in getting relief.

11. The Ld. Advocate for the concerned workman placed reliance on the citation published in 1982 LAB IC page 594 while deciding the case of Mohan Lal vs Union of India and ors. Delhi High Court observed that Fundamental Rule 54(3)(4) cannot be applied against such an employee. It is also observed that when Government employee is acquitted in the criminal case on the benefit of doubt, he is fully entitled for all benefits. However, facts of that case are that the concerned Petitioner of the above referred case (supra) was working as a Constable in Delhi Police and was prosecuted in a criminal case for allegedly committing offence under Section 294 of Indian Penal Code. Even he was placed under suspension. The Judicial Magistrate 1st Class tried his case and acquitted on which Appeal was preferred by the Government. Even no departmental proceeding was initiated and he was reinstated. Even Superintendent of Delhi Police passed an order of reinstatement on the basis of the judgment in the criminal case. In that case, it was held that period of suspension was not a period spent on duty and it was observed that, he was not entitled to any other benefits. On that, Petitioner preferred an appeal to DIG and the same was rejected by DIG on the ground that, when Magistrate acquitted him the Petitioner was entitled to get benefits and Appeal filed was rejected by DIG. However, in our case the concerned workman did not challenge the decision of the 1st Party with the Competent Authority as happened in the above referred case (Supra). In the above case Petitioner approached DIG and obtained relief from him. However, in the instant case Workman did not approach Competent Authority of the Department and obtained order qualifying him to claim all benefits as happened in the above

case. So when concerned workman was suspended and when he did not work for that period, in my considered view, the concerned workman is not entitled to wages and other benefits as claimed in the Reference. When he cannot claim that benefit on the basis of the decision given in the case of Mohan Lal (Supra).

12. In view of this discussion coupled with the case made out as above, I conclude that, the concerned workman is not entitled for any relief as sought. So I answer this issue to that effect and pass the following order :

ORDER

Reference is rejected with no order as to its costs.

Bombay,
9th June, 2009.

A. A. LAD, Presiding Officer

नई दिल्ली, 29 जुलाई, 2009

का. आ. 2300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/138/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2009 को प्राप्त हुआ था।

[सं. एल-40011/24/89-डी-2 (बी)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th July, 2009

S.O. 2300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/138/90) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Posts and their workman, which was received by the Central Government on 29-7-2009.

[No. L-40011/24/89-D-2 (B)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/138/90

Presiding Officer : Shri Mohd. Shakir Hasan

The Circle Secretary,
Bhartiya Telephone Karamchhari Sangh (BSM)
44/26, South T.T. Nagar,
Bhopal

... Workman/Union

Versus

Assistant Engineer,
Postal Civil Sub Division,
1st Floor, G.T.B. Complex,
T.T. Nagar,
Bhopal

... Management

AWARD

Passed on this 10th day of July, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-40011/24/89-D-2 (B) dated 15-5-90 has referred the following dispute for adjudication by this tribunal :

"Whether the termination of Shri Kamlesh Kumar and Shri Lallo Ram, Sweeper by the management of the Assistant Engineer, Postal Sub-division, Bhopal is justified or not? If not, to what relief the workmen are entitled to?"

2. The case of the workmen in short is that they were appointed by the Executive Engineer, P.N.T. Civil Division on recommendation from Employment Exchange after due selection process vide letter No. 1/1/85/E.E./P.T./B.P.L./599 dated 3-5-85. It is stated that they worked from 31-5-85 to 31-3-88 continuously and their work was of permanent nature. They did work of sweeper/safaiwala and also did other miscellaneous work. It is stated that they were appointed against the vacant posts but their services were terminated by the Asstt. Engineer, Postal-Sub-Division, Bhopal vide letter No. 2/4/E/88-A.E.P.C. Bhopal/747 dated 28-3-88. It is alleged that no show cause notice was asked nor compensation was given to them as provided under the Industrial Disputes Act, 1947 (in short ID Act, 1947). It is stated that Sec-25-B, 25-C, Sec-25-F of the I.D. Act, 1947 are violated. It is prayed that the workmen be reinstated with back wages.

3. On the other hand, the management also appeared and filed written statement. The case of the management, inter alia, is that the postal civil wing is not an industry as it is a department of Government of India. Thus the provision of Industrial Disputes Act are not attracted against the non-applicant. It is admitted that both the workmen were called from employment exchange and were selected vide letter No. 1/1/85EEPT/BPL/599 dated 3-5-85 but they were appointed on contract basis. Since the contract was not renewed as per directions of the directorate and the guideline issued in this behalf as such their services were terminated on 31-3-1988. It is stated that this is not a case of retrenchment rather the case is attracted by clause (bb) of Sec. 2 (oo) of the I.D. Act, 1947. Therefore the question of compensation did not arise. It is alleged that the workmen had not worked in any given year preceding the date of the termination for 240 days in accordance of Sec-25 B of the I.D. Act, 1947. It is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings of both parties, following issues arise for adjudication :

- (i) Whether the Postal Civil wing of the non-applicant is an Industry and the I.D. Act, 1947 is applicable ?
- (ii) Whether the termination of the workmen by the management is justified or not ?
- (iii) Whether Sec-25-F of the I.D. Act, 1947 was complied before terminating the workman ?
- (iv) To what other relief, the workmen are entitled to ?

5. **Issue No. 1 :** Now the question is as to whether Postal Civil Wing of Telecom is an industry or not and the I.D. Act, 1947 is applicable or not. This question was raised earlier and the award dated 30-9-97 was passed by the predecessor Presiding Officer, CGIT, Jabalpur whereby and wherein it was held that Telecom Department does not come under the purview of Industry and as such I.D. Act, 1947 is not applicable in the case. Thereafter the workmen preferred Writ Application before the Hon'ble High Court, MP at Jabalpur which was numbered as W.P. No. 5021/1998. The Hon'ble High Court has held that in General Manager, Telecom V.A. Srinivasa Rao and others (1997) 8 SCC 767, the Apex Court has held that Telecom Department of the Union of India is an Industry. Consequently the Writ Petition was allowed and the impugned award was set aside. Thus it is already decided by the Hon'ble High Court in this case that the non-applicant is an Industry and the I.D. Act is applicable. This issue is already answered earlier in favour of the workmen and against the management.

6. **Issue No. 2 :** It is an admitted fact that the applicants are workmen under the I.D. Act, 1947. They were appointed on 31-5-1985 and worked till the date of termination i.e. 31-3-1988. It is admitted that they were sweeper/safaiwala and they also did miscellaneous works. The learned counsel for the management raised that they were appointed on contract basis and the provision of Sec-2 (oo) Sub-Section (bb) of the I.D. Act 1947 is applicable. Sec-2 (oo) Sub-section (bb) reads as follows :

“retrenchment means the termination by the employer of the service of a workman of any reason whatsoever otherwise than as punishment inflicted by way of disciplinary action but does not include

“termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or such contract being terminated under a stipulation on that behalf contain therein or .”

7. It is argued by the management that it was not a retrenchment as such the provision of Sec-25-F of the I.D. Act, 1947 is not applicable. It is submitted that their services were not required as such the contract was not renewed after expiry of the period. To determine the point now let us

examine the terms of appointment. The burden is on the management to prove that the appointment was on the basis of contract for a fixed period from 31-5-85 to 31-3-88. It is an admitted fact that these workmen were appointed vide Letter No. 1/1/85/EEPT/B.P.L./599 dated 3-5-85. The management has filed an appointment letter of one of the workman which is marked as exhibit-M/1. The appointment letter shows that the appointment was purely temporary and ad hoc appointment as daily wages casual labour. It further shows that initially he was appointed for 90 days. Thus it appears that their appointment was on daily wages as casual labour and it was not an appointment on contract basis. The management has also filed two photocopies of undertakings dated 1-2-88 and 5-2-88 of these workmen which are Paper Nos. 21/3 and 21/4. The said undertaking appears to have been given before Assistant Engineer, Postal Civil Division, Bhopal (U.P.) who was not an appointing authority. Moreover these undertakings also go to show that they were daily wages employees on Muster Roll. It further appears that these undertakings were taken just a month before their termination. The management was in a dominating position as such the said undertakings do not show that they were appointed on contract basis. Rather it shows that they were daily wages employees. It is an admitted fact that they were terminated vide letter No. 2/4/E/88/A.E.P.C./Bhopal/747 dated 28-3-88. This is also an admitted document which is marked as W.A. 1. The said termination letter shows that as per orders from the directorate these workmen were terminated w.e.f. 31-3-1988. There is nothing in the said letter to show that their contract was ended as such they were terminated. This termination letter further supports the case of the workmen that they were daily wages employees.

8. Now another important point is as to whether they had completed 240 days in a calendar year preceding the reference. To prove this fact, the workmen have filed documentary evidence. Those documents appear to have not denied by the management. A certificate of the junior engineer is filed which is marked as Exhibit W.A-2. This shows that the workman Laloo Ram had worked continuously from 26-6-85 to 31-3-88 as a daily wages employee. Photocopies of muster roll from 1-3-86 to 28-2-88 are also filed which are Paper Nos. 21/5 to 21/23. These papers go to show that they worked 240 days in a calendar year. Photocopies of Personal record of employment on muster roll are also filed which are paper Nos. 16/6 and 16/7. These papers are also not denied by the management. The management has not filed muster roll in rebuttal though it is an admitted fact that they were on muster roll. On the basis of the documents discussed above, it is clear that Sec-2 (oo) Sub-Sec (bb) of the I.D. Act is not attracted. It is thus established that the workman had worked continuously more than 240 days in a calendar year preceding the date with reference.

9. Both the parties have also adduced oral evidence. It is a settled principle that where there is documentary evidence, the documentary evidence is to be accepted. However let us examine the oral evidence in the case. Workman Kamlesh Kumar Lohat has supported the case of the applicant. He has stated that he was working on muster roll since June 1985 for about 4 years as sweeper. He has proved muster roll, the management has not challenged any of the documents filed by them in the case. There is nothing in his evidence to disbelieve this witness. His evidence also supports that they were on muster roll till termination. Workman Laloo Ram is also examined in the case. He has also supported his case. He has also supported this fact that he was on muster roll. His evidence also supports the case of the applicants.

10. The management has also examined one witness Shri B.P. Mishra was an Assistant Engineer in Postal Civil Wing, Bhopal. He has also supported the case of the applicants that workmen were engaged on casual basis as sweepers and their services rendered were recorded in the Muster roll. His evidence contradicts that they were employed on contract basis. Muster rolls were not produced by the management to disprove the claim that they did work continuously more than 240 days in a calendar year. Thus this issue is answered in favour of the workmen and against the management.

11. Issue No. 3 : Now the important point is as to whether Sec-25-F of the I.D. Act, 1947 was complied before termination of the workman or not. It is an admitted fact that no one month notice was given before termination nor any compensation as provided in Sec-25-F of the I.D. Act, 1947 was complied. The management witness Shri B.P. Mishra has also admitted in his evidence that no compensation amount was paid to these workmen. Thus it is proved that the management has not complied the provision of Sec-25-F of the I.D. Act, 1947 before terminating them from services. This issue is also answered in favour of the workmen and against the management.

12. Issue No. 4 : On the basis of discussion made above, it is evident that the termination of these workmen by the management was not justified and the workmen are entitled to back wages from the date of termination and the workmen are entitled to re-instatement. Accordingly this issue is answered.

13. In the result, the award is passed in favour of the workmen and against the management with the order of back wages from the date of termination. Costs of Rs. 5000 in favour of each workmen are also awarded.

14. Copy of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASSAN, Presiding Officer

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माईन्स एवं

जिवोलोजी के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 33/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-29012/93/99-आई.आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2000) of the Central Government Industrial Tribunal/Labour Court No.-I, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in the relation to the management of Mines and Geology and their workman, which was received by the Central Government on 30-7-2009.

[No. L-29012/93/99-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE SHRIGYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case I.D. No. 33/2000

Sh. Ramesh Kumar S/o Sh. Dhoop Singh,
R & P.O. Sai (Chang),
Bhiwani.

... Applicant

Versus

Distt. Industries Centre,
The General Manager,
Bhiwani.

... Respondent

APPEARANCES

For the Workman : Sh. Anil Sharma

For the Management : Sh. G.S. Bahmani

AWARD

Passed on 21-7-09

By exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short), the Government of India vide its Notification No. L-29012/93/99-IR (M), dated 12-1-99 referred the following industrial dispute for adjudication to this Tribunal :

"Whether the action of the management of the Mines and Geology in terminating the service of Sh. Ramesh Kumar, Mining Guard, w.e.f. 5-3-90 is just and legal ? If not, to what relief the workman is entitled ?"

After receiving the reference parties turned up and filed their respective pleadings. In the statement of claim

the workman impleaded the Director, Mines and Geology, Haryana as respondent No. 1, the Mining Officer, Bhiwani as respondent No. 2 and General Manager, District Industries Centre, Bhiwani as respondent No. 3. But reasons known to the workman, respondent No. 1 and 2 were struck-down and respondent No. 3 was made as Respondent No. 1. There is no order passed by this Tribunal on order-sheet regarding deletion of names of respondent No. 1 and 2 and it seems that before taking the claim petition on record, names were deleted by the workman himself.

It is the contention of the workman that he was appointed as Mining Guard on 11-4-88 and was posted as such with the respondent No. 1 (Respondent No. 3 before deletion), the General Manager, District Industries Centre, Bhiwani. Initially he was appointed for six months and his services were extended from time to time. On 15-1-90, his services were regularized vide letter No. DIC/BWN/245, dated 15-1-90, issued by respondent No. 1. The workman submitted his medical certificate to the respondent. From March 1990, the Mining Guard was separated from the District Industries Centre, and the services of the petitioner workman were attributed to the Mining and Geology Department, Haryana. On 5th March 1990, the workman reported for his duties as usual but he was not allowed by the Mining Inspector Sh. Ajit Singh on behalf of the Mining Officer. Thus, his services stand terminated since then. So many juniours to the workman were retained in service at the time of the termination of his services. The respondent have not complied with the rule of "last come first go". Such oral termination comes within the meaning of retrenchment and is against the provisions of Section 25H and 25G of the Act.

Respondent No. 1, (No. 3 in original petition) the General Manager, District Industries Centre, Bhiwani, filed the written statement contending that the workman was offered appointment letter, as alleged by the workman, subject to certain conditions. It was also contended by the respondent that the post of Mining Guard against which the offer of appointment was issued by the then General Manager, District Industries Centre, Bhiwani, was attributed to the Mines and Geological Wing of the Department which earlier has been under the administrative control of the General Manager District Industries Centre, Bhiwani. The police verification report was submitted by the Superintendent of Police, Bhiwani on 12-2-90 regarding character and antecedents of the workman. In the meantime, as stated by the respondent, Mines and Geological Wing of DIC was separated. On receiving the police verification regarding the character and antecedents of the workman, the workman could not be permitted to join the District Industries Centre, Bhiwani, because post against which the workman was appointed was attributed to the newly separated department Mines and Geology Haryana. It was further contended by the respondent that respondent Nos. 1 and 2 (deleted by the workman) can explain the real

position why the workman was not permitted to join the Mines and Geology Department, Haryana ?

As stated earlier, the workman has himself struck-down the names of respondent Nos. 1 and 2, but in the later communication he again restored the names of respondents Nos. 1 and 2. He has repeatedly sought the remedy against respondent No. 1. Considering the facts and circumstances of this reference, respondent Nos. 1 and 2 were also summoned for the purpose of affording them the opportunity of being heard. This opportunity was given to them considering the fact that workman and the respondent, General Manager, District Industries Centre, Bhiwani, has laid entire responsibility on the Director, Mines and Geology Haryana and Mining Officer, Bhiwani.

This newly created department also appeared and stated that State Government vide notification dated 22-8-89, ordered the division of Department of District Industries Centre, Bhiwani, Haryana, into three independent departments namely, Department of Large and Medium Industries, Department of Small Scale Cottage and Village Industries and Department of Mines and Geology with immediate effect. The Department of Mines and Geology started functioning independently from the date of notification, dated 22-8-89. The Director, Small Scale Cottage and Village Industries, Haryana, vide his order dated 3-10-89 allocated 28 mining guard out of the 55 sanctioned posts. The name of the workman Sh. Ramesh Kumar, did not figure in the aforesaid order dated 3-10-89. Sh. S.S. Langan, the then General Manager, District Industries Centre, Bhiwani, vide his office memo No. DIC/BHI/429, dated 15-1-90, about 5 months after the creation of Department of Mines and Geology, issued the appointment letter to Sh. Ramesh Kumar, for the post of Mining Guard without any authority because on the date of appointment the Director District Industries Centre, Bhiwani, was not competent to issue appointment letter. The General Manager, District Industries Centre, Bhiwani, telegraphically was directed on 23-1-90 to withdraw the appointment letter as he was not having any authority to appoint any Mining Guard. Before interview, he was also asked not to hold the interviews unauthorizedly. It is also stated by these respondents that the workman was not working even as daily-wager on the date of creation of the Department of Mines and Geology on 22-8-89. As per the records available, he worked only upto 10-4-89 and not thereafter.

Considering the pleadings of the parties, their evidence oral and documentary and other materials on record, I am of the view that Sh. Ramesh Kumar is not entitled for any relief in this reference. I am giving the causes of my finding that Sh. Ramesh Kumar is not entitled for any relief as follows :

1. The reference, referred by the Central Government relating to the validity of the termination of

services of the workman Sh. Ramesh Kumar, mining guard, w.e.f. 5-3-90, whereas, Sh. Ramesh Kumar has filed the claim petition entirely based on the appointment letter issued by the General Manager, District Industries Centre, Bhiwani, on 15-1-90.

2. On the perusal of the material on record, it is evident that Mines and Geology Department, Haryana was separated from District Industries Centre, Bhiwani, on 22-8-89 vide notification No. 2 (5)-31-IIB-II-88. After 22-8-89, the General Manager, District Industries Centre, Bhiwani, was having no administrative control, as prescribed authority, (Disciplinary Authority) on Mines and Geology, Haryana.
3. Vide letter No. 2(5)-31-IIB-II-88 dated 23/25-8-89, the posts along with names of incumbent were allocated to Mines and Geology Haryana, Chandigarh by the Director, Small Scale Cottage and Village Industries, Haryana. The name of Sh. Ramesh Kumar did not figure in the list. It shows that Sh. Ramesh was not working even as daily-wager on 23/25-8-89, the date on which the post along with incumbent were allocated to the Mines and Geology Department, Haryana.
4. The General Manager, District Industries Centre, Bhiwani, had no administrative control over the employees working with Mines and Geology Haryana, Chandigarh and has no authority in the matter of appointment of mining guards relating to Mines and Geology Haryana, Chandigarh after 22-8-89. Accordingly, the appointment if any, made by the General Manager, District Industries Centre, Bhiwani, will be considered as non-existent because it lack the proper legislative and administrative sanction. The Mines and Geology Department, Haryana, Chandigarh informed the General Manager, District Industries Centre, about his authority to appoint the mining guard for Mines and Geology Department, Haryana, but instead of having the notice of objection raised by Mines and Geology Department, Haryana, the General Manager, District Industries Centre, unauthorizedly issued the appointment letter.
5. Apart from appointment letter, the workman has also failed to prove that on the date of appointment, he was working as mining guard and was denied to work as such by General Manager, District Industries Centre, Bhiwani. The workman has also failed to prove that he has completed 240 days of work in the preceding year from the date of his termination in the office of General Manager, District Industries Centre, Bhiwani. There is no doubt in issuing this unauthorized appointment letter and the police

verification conducted by the Police Superintendent, but the material provided by the Mines and Geology, Department, Haryana shows that on the date of bifurcation of Department and the allocation of post along with incumbent, the workman Sh. Ramesh Kumar was not available to Mines and Geology, Haryana for work. If he had worked in any capacity with General Manager, District Industries Centre, Bhiwani, the responsibility for his termination and other rights occurred if any, under the Act shall lie on the General Manager, District Industries Centre, Bhiwani, and not on the Director Mines and Geology Department, Haryana. The material provided to this Tribunal shows that workman has worked with the General Manager, District Industries Centre, Bhiwani, from 22-11-88 to 10-4-89. In the opening line of this cross-examination, the workman has admitted that he had worked as daily-wager in the office of General Manager, District Industries Centre, Bhiwani, for the period w.e.f. 22-11-88 to 10-4-89. In the next line of cross-examination he has further admitted that appointment letter was issued to him on 15-1-90 by the General Manager, District Industries Centre, Bhiwani. Meaning thereby, he was not working even as daily-wager, on the day the appointment letter was issued to him. It is further clear that appointment letter was issued to him by the General Manager, District Industries Centre, Bhiwani, unauthorizedly. As stated earlier, the General Manager, District Industries Centre, Bhiwani, was not competent to issue any appointment letter to the post of mining guard relating to Mines and Geology Department, Haryana.

6. There is no iota of evidence to prove that on 10-9-89 (as admitted by the workman) the workman had completed 240 days of work with the General Manager, District Industries Centre, Bhiwani, and accordingly, it cannot be said that any right of the workman was infringed by the respondent.

Accordingly, on the basis of above observation, I am of the view that neither the workman had completed 240 days of work in District Industries Centre, Bhiwani, in the preceding year from the date of his termination of his services, nor the appointment letter dated 15-1-90 issued by the General Manager, District Industries Centre, Bhiwani, was having any force of law. His appointment letter was not issued by competent authority. The workman Sh. Ramesh Kumar, thus, is not entitled for any relief. Let the Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायमण्ड सीमेन्ट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/1/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-29011/47/2000-आई आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/1/2001) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Diamond Cement and their workman, which was received by the Central Government on 30-7-2009.

[No. L-29011/47/2000-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Case No. CGIT/LC/R/1/2001

Presiding Officer : Shri Mohd. Shakir Hassan

The President,
Khan Mazdoor Union,
Shram Sadha, West Land,
Ordinance Factory, Katni, Dauma

... Workman/Union

Versus

The Vice President,
Diamond Cement,
Narsingarh,
Damoh

... Management

AWARD

Passed on this 9th day of July 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-29011/47/2000/IR(M) dated 18-11-2000 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of Diamond Cement, Narsingarh, Damoh (M.P.) to terminate the service of Shri Pardeep Singh, Compressor Attendant, Quarry

Department, w.e.f. 23-6-97 is justified and legal? If not, what relief the workman is entitled to?”

2. The case of the workman in short is that the workman was in regular service on permanent post as compressor Attendant from the year 1982. It is stated that a chargesheet was served on him on 1-5-97 wherein it was alleged that on 30-4-97, he assaulted Assistant Engineer (Quarry) Shri Anupam Chatterji during working hours at about 2.30 PM. The workman denied the charges and had stated that Shri Chatterji orally ordered him to operate the machine but on request to give written order, he was abused. It is stated that on complain by Shri Chatterji, a show cause notice was issued against him. The workman is said to have submitted reply of the show cause notice but the same was not accepted by the management and departmental proceeding was started against him. It is stated that one sided enquiry was held against him without giving proper opportunity to defend himself. The Enquiry Officer is said to have submitted report on the direction of the management. Thereafter the disciplinary authority illegally terminated the service of the workman w.e.f. 23-6-97. The workman claims reinstatement with back wages.

3. The non-applicant/2nd party also appeared and filed written statement. The case of the 2nd party inter alia, is that the workman was initially appointed as Trainee operator on 21-1-1982 and subsequently he was regularized as Compressor Attendant w.e.f. 6-2-1982 and subsequently he was regularized as Compressor Attendant w.e.f. 6-2-1982. The conduct and performance of the workman was not found satisfactory and several warning letters were issued against him. It is stated that the management received complaint from Shri Anupam Chatterji, Asstt. Engineer on 30-4-97 that he was assaulted by him. Thereafter the workman was suspended and chargesheet was issued against him. His reply was not found satisfactory, as such a departmental enquiry was started against him. After enquiry, he was found guilty of the charges. Accordingly the disciplinary authority considering the gravity of the misconduct terminated the service of the workman w.e.f. 23-6-1997. It is prayed to hold that the action of the management is legal and justified.

4. During the course of the proceeding before the tribunal, the parties settled their disputes amicably and filed application for passing award in terms of settlement.

5. On perusal of the terms of settlement, it appears that it is proper and there is no illegality in it. The following are the terms of settlement—

- (a) That the second party will pay Rs. 2,50,000 to the first party in lieu of reinstatement and all consequential benefits. The first party will never claim any back wages for intervening period i.e. from the date of termination till date and the first

party also will not claim any gratuity or other monetary benefits from the second party except Provident Fund. On the receipt of Rs. 2,50,000 there will be no relationship exist between the parties of employer and employee.

- (b) That the aforesaid amount will be paid to first party within 10 days from the date of receipt of the award being passed by this Tribunal.

6. In the result, the award is passed in terms of settlement as has been mentioned above without any order of costs.

7. Copy of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASSAN, Presiding Officer

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.पी.सी.एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/77/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-30012/14/2001-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/77/2001) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BPCL and their workman, which was received by the Central Government on 30-7-2009.

[No. L-30012/14/2001-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A.A. Lad, Presiding Officer

Reference No. CGIT-2/77 of 2001

Employers in Relation to the
Management of Bharat Petroleum
Corporation Ltd.
The General Manager,
Bharat Petroleum Corpn. Ltd.,
Mahul Refinery,
Mumbai-400074

... First Party

Versus

Shri Ramesh R. Passi,
Narshipada Raman Mali Chawl,
Room No. 1, Akurli Road,
Kandivali (East),
Mumbai-400101

.....Second Party

APPEARANCE

For the Employer : Shri R.S. Pai, Advocate
For the workmen : Shri Jaiprakash Sawant,
Advocate

Date of reserving the Award : 26-03-2009

Date of passing the Award : 25-06-2009

AWARD—PART II

1. The Government of India, Ministry of Labour by its Order No. L-30012/14/2001-IR(M) dated 25th May, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bharat Petroleum Corporation Ltd., Western Region, Mumbai in terminating the services of Shri Ramasray Passi w.e.f. 15-2-2000 is legal and justified? If not, to what relief Shri Ramasray Passi is entitled?”

2. Claim Statement is filed by the 2nd Party workman at Exhibit 7 making out the case that, he was employed by 1st Party with effect from 2nd October, 1978 in the capacity as General Workman. 2nd Party Workman took housing loan in the year 1987 for building a house at his native place. However, his application was not proceed by the Management in time inspite of repeated requests. So he was awaiting for sanction and during the said period the cost of the construction reached at top. So pending finalization of his loan for building the house at his native place, 2nd Party workman obtained the housing loan for purchase of a flat at Bhayendar, Mumbai and paid Rs. 5000 to the builder as an advance. First installment was sanctioned by the 1st Party, of Rs. 2,60,960 on 20-4-1994. When the said construction was going on, he found, it was not satisfactory and as such realize that, he was cheated by the builder. So instead of using the said amount on the said flat at Bhayendar he utilized the same for renovation of his house at native place. He submitted all concerned documents with estimates and cost of it. According to 2nd Party Workman, he utilized said loan at native place instead of utilizing the loan on flat, at Bhayendar, Mumbai, in a good faith and without any intention to cheat the Management. He utilized the loan for house purpose only as it was granted as a house loan. In

fact it should not be questioned as to why he utilized the said amount on house at native place? However, 1st Party took it otherwise. It level charge of cheating on the concerned workman alleging that instead of utilizing the money for the purpose of a flat at Bhayendar, Mumbai, he utilized it wrongly for the house at native place. Even disciplinary action was taken by the Corporation. In fact intention behind using the loan and sanctioning it was not considered by the 1st Party. The inquiry which was made was farce. The Enquiry Officer was bias. Full opportunity was not given to the 2nd Party workman. It is alleged that, the punishment awarded of the dismissal is harsh and perverse. So it is submitted that, all that be set aside with directions to the 1st Party to take him in the employment.

3. The claim of the 2nd Party Workman is disputed by the 1st Party by filing reply at Exhibit 9 stating that, the charge sheet dated 22-4-1997 was issued to the concerned workman and the domestic enquiry was conducted against him. Admittedly the 2nd Party Workman obtained housing loan to purchase a flat at Bhayendar, Mumbai. Admittedly he utilized the said amount on a house at native place. Actually he admitted the same. Full opportunity was given to him. The Enquiry Officer on the basis of the evidence lead before him, observed 2nd Party Workman guilty of the charge of misconduct and of cheating. Findings are on the basis of evidence and punishment is just and proper. So it is submitted that, the Reference be rejected.

4. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 11. Out of those issue of enquiry and perversity of finding were decided by me by passing Award Part I on 7th August, 2007 holding enquiry fair and proper and finding not perverse.

5. Now point of quantum of punishment remains which is at Issue No. 3 which I answer as follows :

ISSUES

FINDINGS

- | | |
|---|--|
| (3) Whether the action of the Management of Bharat Petroleum Corpn. Ltd., Western Region, Mumbai, in terminating the services of Shri Ramasray Passi w.e.f. 15-2-2000 is legal and justified? | No |
| (4) What relief the workman is entitled to? | 2nd Party is entitled for reinstatement without back wages |

REASONS :

ISSUES NOS. 3 and 4

6. Charge leveled against the concerned workman was that he misused the amount given to him by the

1st Party. The case of the 1st Party is that, loan of Rs. 2,60,960 was sanctioned to the 2nd Party workman to purchase a flat at Bhayendar. It is alleged that, however, instead of purchasing the flat at Bhayendar, he used that amount for renovation of his house at native place. According to the 1st Party he misused the funds of the 1st Party and utilized it for other purpose than for it was sanctioned. Whereas case of the 2nd Party is that, since flat which he booked with a builder at Bhayendar and though he paid Rs. 5000 as an advance and while construction was going on he found it was not satisfactory, so he decided to leave that idea and instead of spending the said amount for purchase of flat at Bhayendar, he spent the said amount for construction at his native place which can be his permanent asset at his native place. It is explained that, utilizing the said amount for renovation of his house purpose at native place instead of using it at Bhayendar, nothing is wrong done by him. On that enquiry was conducted and Enquiry Officer held him guilty of the charge of misusing of the funds of the 1st Party company.

7. Here as far as taking loan by the 2nd Party from the 1st Party for the purpose of purchase of a flat at Bhayender is concerned, is not disputed by the 2nd Party workman. The charge against the 2nd Party Workman was that, securing or attempting to secure in a fraudulent manner pecuniary advantages from the Corporation and misusing it was leveled against the concerned workman under Clause 298(23) of certified Standing Orders. As far as charge leveled against the concerned workman concerned it is not disputed by him. He tried to explain that, instead of using those funds for purchasing of a flat at Bhayender he used it at his native place for renovation of his house.

8. The Second Party, the concerned workman, admittedly utilized the funds for the purpose of renovation of house at native place. Even case made out by the 2nd Party workman is that he invested the said amount at native place instead of spending on bad construction of flat at Bhayender is not serious offence and he has not disputed it. The arguments of the 1st Party's Advocate is that he is fraudulent manner raised the amount sanctioned to him. Admittedly it was a loan. It was to be repaid by the 2nd Party workman. By spending that amount at native place for the same purpose i.e. on house that too on renovation of his house instead of purchasing a house at Bhayendar, in my considered view cannot be treated as a very serious offence. Besides it is the 2nd Party who has received the loan and from evidence brought on record it reveals that, at the time of removal of the 2nd Party said amount is recovered from his dues. That means now nothing is now due from the concerned workman. Though he misused that loan amount and spend on construction of a house at native place instead of spending for a house at Bhayendar, in my considered view, it does changes the purpose for which amount was raised. Even explanation given by the 2nd Party workman that the flat which he

booked at Bhayendar was not of good standard so he decided not to go with that construction and decided to invest that amount at native place and renovated his house. Even that stand is not seriously disputed by 1st Party. The only grievance of the 1st Party is that, instead of purchasing a flat at Bhayender from the loan amount of the Corporation, he utilized it at native place. According to me in any way 2nd Party utilized said advance amount on construction but instead of utilizing the amount for construction at Bhayender he utilized it at native place. Besides there was no loss to the 1st Party though he invested that amount at his native place instead of investing the same at Bhayendar. In this situation I am unable to understand what was the difference in spending amount or investing the amount on construction of the house at native place and not at Bhayendar? No specific case is made out in what manner it will affect on the 1st Party Company when amount was spent by the concerned workman on house itself but at native place instead of at Bhayendar. Admittedly on this enquiry was conducted and 2nd Party i.e. concerned workman was removed from service on that basis. According to me the punishment given on such technical point is harsh and can be interfered by this Tribunal, since said punishment of dismissal is harsh compared with the charge proved against the concerned workman. According to me Management ought not to have given him such a harsh punishment of removal from service which is nothing but is disproportionate and given as if capital punishment in the labour jurisprudence or in service law by imposing such a punishment on 2nd Party and he will have to lose job, he has no live on his saving which definitely to suffer as a result of termination. In my considered view, the punishment of this type require to be interfered by this Tribunal and instead of dismissing the concerned workman is required to be reinstated by the 1st Party.

9. 1st Party is a Government undertaking. It is a Corporation. It is a matter of record that, 2nd Party did not work from the day of dismissal since it is the Corporation and it is a Government undertaking where public funds are invested in Government of the public. In my considered view order of reinstatement without back wages will be just and proper order which will meet the ends of justice. Hence, the order :

ORDER

- (1) Termination issued by the 1st Party by Terminating the services of Shri Ramasray R. Passi w.e.f. 15-2-2000 is set aside with directions to 1st Party through General Manager, Bharat Petroleum Corporation Ltd., Mahul Refinery, Mumbai-400074, to reinstate 2nd Party workman Shri Rakesh R. Passi on his post from which he was terminated and permit him to continue till he attains the age of superannuation;

- (2) Prayer of back wages is rejected;
- (3) No order as to its cost.

A.A. LAD, Presiding Officer

Bombay, 25th June, 2009.

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोरमुगावो पोर्ट ट्रस्ट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/86/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-36012/2/2000-आईआर (एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/86/2000) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on 30-7-2009.

[No. L-36012/2/2000-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A.A. Lad, Presiding Officer

Reference No. CGIT-2/86 of 2000

Employers in Relation to the
Management of Mormugao Port
Trust, The Chariman,
Mormugao Port Trust,
Mormugao Harbour,
Goa-403803.

... First Party

Versus

Their Workmen
The General Secretary,
Mormugao Port & Railway
Workers Union,
Zaiboon Apartment,
Near Cine El-Monte,
Vasco-da-Gama, Goa.

... Second Party

APPEARANCE

For the Employer : Mr. M.B. Anchan,
Advocate

For the Workmen : In person

Date of reserving the Award : 06-4-2009

Date of passing the Award : 02-07-2009

AWARD—PART I

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-36012/2/2000-IR(M) dated 11th August, 2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Mormugao Port Trust, Goa (a) in denying full wages, increment and bonus to Shri A.A. Rangel, Clerk. EDP No. 129537 of Traffic Department during the period of his suspension from 27-11-1989 to 26-7-1991 is legal and justified? (b) in denying balance subsistence allowance as per the revised scale of Pay, Bonus and other benefits to Shri A.A. Rangel, Clerk EDP No. 129537 of Traffic Deptt. during the period of his suspension from 9-5-1992 to 28-8-1997 is legal and justified? If not, to what relief the workman is entitled for?”

2. To support the subject matter involved in the reference 2nd Party filed Statement of Claim at Exhibit 21 stating and contending that, he was placed under suspension with effect from 27-11-1989 to 26-7-1991 i.e. for 20 months. He further contends that, though he was placed under suspension from 27-11-1989 disciplinary proceedings were completed in September, 1990 and he was permitted to resume duty on 26-7-1991 i.e. after about 20 months. He further contends that, for the above suspension period he was paid only @ 50% as subsistence allowances. According to him he was supposed to get 75% as subsistence allowances after completion of 3 months of suspension. He contends that, he has not received enquiry report from the Enquiry Officer. He further contends that, Disciplinary Authority and the Enquiry Officer cannot be one and the same as happened in his case. He contends that, again he was placed under suspension between 9-5-1992 to 28-8-1997 i.e. 5 years and 3 months. He contends that, enquiry was completed after 4 years after changing Enquiry Officers and Presenting Officers during that period. He contends that, he received the order from Traffic Manager where he was asked to retire compulsorily w.e.f. 4-2-1996 by stopping his 75% salary from August, 1996 onwards. He contends that, Chairman Dr. Jose Paul of the

1st Party without giving hearing took action with immediate effect which is not legal and proper. He contends that, during his suspension period there was pay revision. however, benefit of it was not given to him. He contends that above relief be given to him and he be reinstated with benefits of back wages and continuity of service.

3. This is disputed by the 1st Party by filing written statement at Exhibit 26 stating that, he was informed clearly by the Disciplinary Authority that, he is not entitled for subsistence allowances as prayed by him. It is further stated that, the Disciplinary Authority did not feel it necessary to increase the subsistence allowed as prayed by the 2nd Party concerned workman. It is stated that, enquiry was completed by following all formalities and giving full opportunity to the concerned workman where he was found guilty in respect of the charges leveled against him. It is stated that, the concerned workman did not demand the copy of the enquiry proceedings. It is stated that Mr. Fideles D'Costa was appointed as Enquiry Officer and he completed enquiry on 25-9-1990. It is stated that, then Shri Fideles D'Costa was promoted to the post of Traffic Manager on 13-10-1990. It is contended that, the concerned workman was then suspended for second time between 9-5-1992 to 28-8-1997. It is contended that, in the second enquiry also he was found guilty of the charges leveled against him. It is contended that, subsistence allowance upto 50% was given to the concerned workman which was increased to 75% after reviewing the case of the concerned workman. It is contended that, the said was challenged by the concerned workman before competent authority. It is contended that, full opportunity was given to the concerned workman where he was found guilty of the charges leveled against him and the punishment given to him by the competent authority does not require to be interfered since charges leveled against the concerned workman were of very serious nature.

4. In view of the above pleadings Issues were framed at Exhibit 27. Out of them Issues at Nos. 1 and 2 are treated as preliminary issues and are to be tried as preliminary Issues, which I answer as under, leaving other Issues to be decided later on :

ISSUES	FINDINGS
(1) Whether the Enquiry is fair and proper?	No
(2) Whether findings perverse?	Yes

REASONS :

ISSUE NOS. 1 and 2 :

5. 2nd Party contended that enquiry conducted against him was not fair and proper and finding is perverse. He also alleges that, copy of the findings of the Enquiry Officer was not given to him. He alleged that, proper

authority was not there. In support of that, he placed reliance on his affidavit filed at Exhibit 28 in lieu of his examination-in-chief. It is to be noted that, the concerned workman is representing his own case. The affidavit filed by him reveals that, he has not taken said contentions in the affidavit and he states in the affidavit that, he wants to rely on the statement which he annexed with the affidavit which in fact cannot be read as his affidavit, since it is not properly verified and attested by the Competent Authority to treat it as his affidavit. Anyway in his cross he states that, he was served with second charge sheet. He admits that, he replied it. He admits that, he received some documents. He denies that, he got opportunity to appear in the enquiry. He states that, nobody defended him in the second enquiry. He states that, opportunity was given to him to bring his representative but he could not bring the same.

6. Against that, Management filed affidavit of its witness Kashiram Keeshav Naik at Exhibit 41. Here said witness states that, the concerned workman was kept under suspension. It is to be noted that, nothing is stated by this witness regarding opportunity given to the concerned workman and enquiry conducted by following procedure and by following principles of natural justice. Besides in the cross he states that, variable allowances were not paid to the concerned workman.

7. The case of the 2nd Party is that, finding were not served. Management explain that, it was not given to the concerned workman since it was not demanded by him. It is to be noted that, no specific incident is shown by Enquiry Officer to reveal that, enquiry was conducted by following principles of natural justice and by giving full opportunity to the concerned workman. It is an admitted position that copy of the finding of the enquiry was not served on the concerned workman. It is admitted that, the concerned workman did not participated in the enquiry. It is admitted position that, no witnesses were examined. Even it is not pointed out how enquiry was fair and proper and how finding is not perverse.

8. Written arguments were submitted by the concerned workman at Exhibit 43 which were replied by the Management by filing written arguments at Exhibit 45.

9. The explanation given by the 1st Party is that, no department officer was willing to be Enquiry Officer and Presenting Officer, therefore, the Chairman appointed one Shri M. Raghuchander, an IAS Officer, Ex. Law Officer, Government of Goa as Enquiry Officer. It is submitted in the written arguments by the 1st Party, that after holding full fledged fair and proper enquiry the Enquiry Officer in his report held 2nd Party guilty of the charges leveled against him. However, it is not explained how enquiry was fair and proper and how finding not perverse? In the written arguments entire story is narrated on which charge sheet was served and how concerned workman was involved in

the Police case. In the arguments nothing is stated about fairness of inquiry and on finding.

10. As stated above, in the cross 1st Party has admitted that, the finding of the Enquiry Officer was not served on the second party, explaining that, it was not demanded by the concerned workman. Besides, nothing is stated by the 1st Party, how opportunity was given and how 2nd Party was permitted to participate in the enquiry. Even it is not shown how opportunity was given to the concerned workman and Enquiry Officer has discharged his duties which were binding on the Enquiry Officer.

11. If we consider all this coupled with the case made out by both I conclude that, enquiry is not fair and proper. Besides I find that, there was no evidence before the Enquiry Officer to conclude that, the concerned workman was guilty of the charges.

12. In this scenario I have to conclude that, enquiry was not fair and proper and finding perverse. So I answer these Issues to that effect and passes the following order :

ORDER

- (1) Enquiry is not fair and proper;
- (2) I observe finding of the Enquiry Officer is perverse;
- (3) I direct 1st Party to justify its action of termination.

A. A. LAD, Presiding Officer

Bombay, 2nd July, 2009

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरनाकुलम के पंचाट (संदर्भ संख्या 11/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-40012/38/2008-आई. आर. (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 30-7-2009.

[No. L-40012/38/2008-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM

Present : Shri P. L. Norbert, B.A., LL.B., Presiding Officer
 (Thursday the 23rd day of July, 2009/1st Sravana, 1931)

I.D. 11/2009

Union : The Joint Secretary,
 BSNL Security Staff Association
 (Ex-servicemen), Alapuzha.
 By M/s. B. S. Krishnan Associates.

Management : 1. The General Manager,
 M/s. Bharat Sanchar Nigam Limited,
 O/o. The General Manager,
 Telecom District, BSNL Bhavan,
 Alapuzha-688001.

2. Col. (Rtd.) A. J. George, Proprietor,
 M/s. A. J. Security Services,
 Door No. XXVII/3003,
 Vailiparambil,
 Near Girinagar Community Hall,
 Kochi-682020.

By Adv. Shri C. S. Ramanathan.

This case coming up for hearing on 23-7-2009, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act. The union has challenged the termination of service of workman and the contract with regard to employment.

2. Summons were sent to all parties on receipt of the reference. However the management alone entered appearance. Though the union accepted notice no appearance or representation is made in spite of repeated postings for the appearance of the union. The conduct of the union indicates that there is no existing dispute for adjudication. Hence there is no need to keep the case pending indefinitely.

In the result an award is passed finding that the contract between BSNL, Alapuzha and the contractor M/s. A. J. Security Services, Kochi is genuine and the action of the contractor in terminating the service of the workman Sri A. S. Abraham is legal and justified and the workman is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

(Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 23rd day of July, 2009).

P. L. NORBERT, Presiding Officer

Appendix—Nil.

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली विकास प्राधिकरण के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 28/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-42012/22/2006-आई. आर. (डी.यू.)]
 सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Development Authority and their workman, which was received by the Central Government on 30-7-2009.

[No. L-42012/22/2006-IR (DU)]
 SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI

I.D. No. 28/2006

Smt. Shanti Devi,
 Through The General Secretary,
 Delhi Labour Union,
 Aggarwal Bhawan,
 G. T. Road, Tis Hazari,
 New Delhi-110054.

Workman

The Secretary,
 Delhi Develor
 INA Marke'
 New Delh'

AWARD

The Central Government Ministry of Labour vide its Order No. L-42012/22/2006 IR (DU) dated 2-8-2006 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of Smt. Shanti W/o Shri Rama Shankar, workperson posted in Horticulture Deptt. Division-I, Sheikh Sarai, Phase-II, New Delhi for regularization in service in the post of LDC w.e.f. 1-2-1983, under the management of D.D.A., INA Market, New Delhi is valid, just and legal ? If so, to what benefits the workperson is entitled for and what directions are necessary in the matter ?”

2. Workman was directed to file statement of claim, complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to the opposite party to the dispute. Despite the directions so given, the workman opted not to file her claim within the stipulated time.

3. Notice was issued to the workman to file her claim statement. Shri Aditya Aggarwal, her Authorized representative, appeared on 21-5-09 and sought time to file the claim statement. Matter was adjourned to 12-6-09, on which date none appeared on behalf of the workman. It is evident that the workman opted to abandon the proceedings. In such a situation, her demand for regularization of her service on the post of L.D.C. w.e.f. 1-2-83 cannot be termed as valid, legal or justified. For want of facts from her side, the question is to be answered negating her claim. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated 24-7-09

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली विकास प्राधिकरण के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 47/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-42012/10/2007-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/

2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Development Authority and their workman, which was received by the Central Government on 30-7-2009.

[No. L-42012/10/2007-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI**

I.D. No. 47/2007

Yakub Ali through,
All India Gen. Mazdoor Trade Union,
170, Balmukund Khand, Giri Nagar,
Kalkaji, New Delhi-110019

.....Workman

Versus

The Dy. General Manager,
Delhi Development Authority,
Vikas Sadan,
I.N.A. Market,
New Delhi

.....Management

AWARD

Yakub Ali was serving as a Mali on work charged basis with the management since 29-12-79. He absented himself from his duties w.e.f. 31-10-88 till 14-3-93. He reported for his duties on 15-3-97 and submitted his joining report. He again absented himself w.e.f. 16-3-93 till 12-12-97. Various notices were sent to him, calling upon him to report for duty. Public notices were published in Hindustan Times and Navbharat calling upon Yakub Ali to join his duties. When he failed to respond to the notices so sent, his services were terminated w.e.f. 12-12-94. Feeling aggrieved by the said order he raised an industrial dispute before the Conciliation Officer. Conciliation proceedings failed. Appropriate Government referred the dispute to this Tribunal vide Order No. L-42012/10/2007-IR (DU) dated 28-5-2007 with the following terms :

“Whether the action of the management of D.D.A. in terminating the services of their workman Shri Yakub Ali, w.e.f. 12-12-94 is legal and justified ? If not, to what relief the workman is entitled to ?”

2. The workman filed his claim statement pleading therein that he was working as chowkidar with the

management since 30-10-74. He performed his duties to the entire satisfaction of his superiors. He was transferred to Sarita Vihar on 5-12-98. He joined his duties in Sarita Vihar Zone, but no wages were paid to him. He made various representations to his superiors, but to no avail. When he demanded his earned wages, he was removed from his services on 30-9-99. No notice or pay in lieu thereof was given to him. Retrenchment compensation was also not paid to him. He claims his reinstatement with full back wages and continuity of service.

3. W.S. was filed by the management pleading therein that he was serving as a Mali on work charged basis w.e.f. 19-12-79. He had not joined service of the management on 30-11-74, as a watchman. He absented himself from his duties w.e.f. 31-10-1988. It was denied that he served the management till 5-12-98. A claim was made that when the workman absented himself, notices were sent to him to report for his duties. Since he failed to report for his duties, press release were got published in Hindustan Times as well as Navbharat Times. Despite notices so sent or press release got published in the newspaper, he opted not to join his duties. Consequently his services were terminated on 12-12-94. He is not entitled for reinstatement in service with continuity and full back wages.

4. Shri Raj Pal, Deputy Director, Horticulture, was examined on behalf of the management. Instead of prosecuting his claim, workman abandoned the proceedings. He had not come forward to cross-examine Raj Pal Singh. In that situation facts unfounded by Raj Pal Singh remained uncontroverted. Raj Pal Singh testified that Yakub Ali absented from his duties w.e.f. 31-10-88 to 14-3-93. Though he submitted his joining report on 15-3-93 yet he again absented himself from 16-3-93. He remained absent till 12-12-94, the date when his services were terminated. Various notices were sent to him, calling upon him to join his duties on 27-12-94. Press release was got published in Hindustan Times and Navbharat Times, calling upon Yakub Ali to join his duties. Despite publication of press release Yakub Ali opted not to join his duties. Consequently his services were terminated w.e.f. 12-12-94. He filed a writ petition bearing No. 6715/99 before High Court of Delhi, which was dismissed on 26-4-04 vide order Ex. MWI/I.

5. Out of facts projected by Shri Raj Pal Singh, it came to light that Yakub Ali absented himself from his duties and opted not to join it, when he was called upon to resume his duties by way of notices sent to him. A departmental action was initiated and press release was got published in Newspapers, calling upon him to join his duties. Despite the press release Yakub Ali had not reported for his duties. It constrained the management to terminate his service. Uncontroverted facts presented by Raj Pal Singh are to be accepted. No illegality or unjustifiability can be attributed to the action of the management, in terminating the services of Yakub Ali w.e.f. 12-12-94. Yakub

Ali is not entitled to any sort of relief. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated 23-7-09

नई दिल्ली, 30 जुलाई, 2009

का. आ. 2308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 42/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-2009 को प्राप्त हुआ था।

[सं. एल-42011/91/2006-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th July, 2009

S.O. 2308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2007) of the Central Government Industrial Tribunal-cum Labour Court, No. 1, New Delhi as shown in the Annexure. in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 30-7-2009.

[No. L-42011/91/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI**

I.D. No. 42/2007

Shri Satya Pal Singh,
Through All India CPWD (MRM) Karamchari Sangathan,
4823, Gali No. 13, Balbir Nagar Extension, Shahdara,
Delhi-32

.....Workman

Versus

The Executive Engineer,
'N' Division, CPWD,
I.P. Bhawan,
New Delhi

.....Management

AWARD

Satya Pal Singh was appointed as Carpenter by the Executive Engineer, 'N' Division, CPWD on 6th June, 1973. He was being paid in the scale of Rs. 3050-4590. He worked continuously with the management. He claimed that he was entitled to in-situ promotion in the pay scale of

Rs. 4000-6000 w.e.f. 1-6-99, in pursuance of order dated 3rd of December, 91, issued by Director General (Works) CPWD. His request was not granted. He raised a dispute before the Conciliation Officer through All India CPWD (MRM) Karamchari Sangathan. Since conciliation proceedings failed, appropriate Government referred the dispute to this Tribunal vide Order No. L-42011/91/2006-CPWD dated 21-5-2007 with following terms of reference :

"Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for grant of in-situ promotion to Shri Satya Pal Singh, Carpenter, w.e.f. 1-6-99 is legal and justified? If so, to what relief the workman is entitled to and from which date?"

2. Claim statement was filed by the workman pleading therein that he joined services as Carpenter w.e.f. 6-6-73. He continuously worked with the management to their entire satisfaction. He was being paid in the scale of Rs. 3050-4590. He was entitled to in-situ promotion in the scale of Rs. 4000-6000 w.e.f. 1-6-99. The management has withheld his promotion, though he is entitled to it in pursuance of guidelines issued by the Director General (Works) in its order dated 3-12-91. He claims that an award for grant of in-situ promotion to him may be passed.

3. Executive Engineer, 'N' Division, CPWD, I.P. Bhawan, New Delhi rendered a letter detailing therein that Satya Pal Singh has been granted in-situ promotion in the pay scale of Rs. 4000-6000 w.e.f. 1-6-99, vide order No. 10 (12) E-III/N, Dn./09/1391 dated 5th June, 2009. He had placed copy of the said order before the Tribunal as Ex. M-1. Arrears were released to the workman vide cheque dated 9-7-09 copy of which is Ex. M-2. A statement to this effect was made by Shri Atal Anand Sharma, Head Clerk in the office of Executive Engineer, 'N' Division, CPWD, I.P. Bhawan, New Delhi. The said statement is reproduced as follows :

"Satya Pal Singh, working as Carpenter with CPWD has been granted in-situ promotion in pay scale of Rs. 4000-6000 w.e.f. 1-6-99 vide order No. 10 (12) E-III/N Dn./09/1391 dated 5-6-99. Copy of the said order is Ex. M-1. His pay has been fixed in that scale and a sum of Rs. 40000 as arrears have been released in favour of Satya Pal vide Cheque No. 861298 drawn on DDA building branch of State Bank of India. Copy of the Cheque is Ex. M2. In view of these facts grievance of Satya Pal has been redressed."

4. In view of the facts referred above, it is apparent that grievance of Shri Satya Pal Singh has been redressed, since he was granted in-situ promotion w.e.f. 1-6-99. Consequently now there remains no dispute between Shri Satya Pal Singh and the Management. An Award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated 21-7-09

नई दिल्ली, 11 अगस्त, 2009

का. आ. 2309.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा दिनांक 9 मई, 2008 के भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3(ii) में प्रकाशित दिनांक 9 मई, 2008 की श्रम और रोजगार मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 1122(अ) में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में "धारा 4 के खण्ड (i) के अंतर्गत संसद द्वारा मनोनीत" शीर्षक के अंतर्गत क्रम संख्या 56 के सामने निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

क्रम संख्या 56

श्री एन. पीताम्बर कुरूप,
संसद सदस्य (लोक सभा),
188, साउथ एवेन्यू,
नई दिल्ली।

स्थायी पता :

इडायिला वीडू,
नवायिकुलम पो. ओ.,
जिला त्रिवनन्तपुरम-695603 (केरल)

[संख्या यू-16012/3/2007-एस एस-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 11th August, 2009

S.O. 2309.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour & Employment S.O. No. 1122(E) dated 9th May, 2008 published in the Gazette of India, Extraordinary, Part-II, Section 3(ii) dated the 9th May, 2008.

In the said notification under the heading "Elected by the Parliament under clause (i) of Section 4" against S.No. 56, the following entry shall be substituted namely :—

S.No. 56

Shri N. Peethambara Kurup,
Member of Parliament (Lok Sabha),
188, South Avenue,
New Delhi

Permanent Address :

Edavila Veedu,
Navayikulam P.O.
Distt. Thiruvananthapuram-695603.
(Kerala).

[No. U-16012/3/2007-SS-1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 10 अगस्त, 2009

का. आ. 2310.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके न्यूनतम 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

क्रम संख्या	कार्यालय का नाम
1.	खान सुरक्षा निदेशक, मडगांव, गोवा
2.	खान सुरक्षा उप-निदेशक, तिनसुकिया, असम

[सं. ई-11017/1/2006-रा.भा.नी.]
के. एम. गुप्ता, आर्थिक सलाहकार

New Delhi, the 10th August, 2009

S.O. 2310.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union), Rules, 1976 (as amended 1987) the Central Government hereby notifies following offices under the administrative control of the Ministry of Labour & Employment, at least 80% Staff whereof have acquired working knowledge of Hindi :—

Sl. No.	Name of the Office
1.	Director, Mines Safety, Madgoan, Goa
2.	Dy. Director, Mines Safety, Tinsukia, Assam

[No. E-11017/1/2006-RBN]
K. M. GUPTA, Economic Advisor

नई दिल्ली, 10 अगस्त, 2009

का. आ. 2311.—राष्ट्रपति, श्री राम प्रकाश को 20-7-2009 से केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, कानपुर के पीठासीन अधिकारी के रूप में 65 वर्ष की आयु पूरी होने अर्थात् 27-4-2014 तक अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती हैं।

[सं. ए-11016/7/2008-सी एल एस-(II)]
पी. के. ताम्रकार, अवर सचिव

New Delhi, the 10th August, 2009

S.O. 2311.—The President is pleased to appoint Shri Ram Prakash as Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur w.e.f. 20-7-2009 till he attains the age 65 years i.e. upto 27-4-2014 or until further orders, whichever is earlier.

[No. A-11016/7/2008-CLS-(II)]
P. K. TAMRAKAR, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2312.—जबकि मैसर्स नेशनल टेक्सटाइल कारपोरेशन लि. (उत्तर प्रदेश क्षेत्र में कोड संख्या यू पी/4662 के अंतर्गत) (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 23-12-1975 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/67/2009-एस एस-(II)]
एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2312.—Whereas M/s National Textile Corporation Ltd. (under Code No. UP/4662 in Kanpur, Uttar Pradesh Region) (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 23-12-1975 until further notification.

[No. S-35015/67/2009-SS-(II)]
S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2313.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा दिनांक 1 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा 76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“वर्तमान जिला के सालानपुर, महेशपुर, नकराजोरिया और रूपनारायणपुर मौजा के क्षेत्रों को शामिल करके”।

[सं. एस-38013/32/2009-एस.एस.-1]
एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2313.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely :—

“Areas comprising Mouzas of Salanpur, Maheshpur, Nakrajoria and Rupnarayanpur in the district of Bardwan”.

[No. S-38013/32/2009-S. S.-I]
S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2314.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“बांकुडा जिला के मेजिया मौजा के क्षेत्रों को शामिल करके”।

[सं. एस-38013/33/2009-एस. एस.-1]
एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2314.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on

which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely :—

“Areas comprising Mouzas of Mezia in the District of Bankura”.

[No. S-38013/33/2009-S S-I]
S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2315.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध झारखंड राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	राजस्व ग्राम का नाम	राजस्व ग्राम नंबर	अंचल कार्यालय	जिला
1	2	3	4	5
1.	कैथा	85	रामगढ़	रामगढ़
2.	पोचरा	80	रामगढ़	रामगढ़
3.	अरगडा	137	रामगढ़	रामगढ़
4.	हेसला	138	रामगढ़	रामगढ़
5.	राउता	146	माण्डू	रामगढ़

[सं. एस-38013/34/2009-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2315.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Jharkhand namely :—

Sl. No.	Name of Revenue Village	Revenue Village No.	Name of Circle Office	District
1	2	3	4	5
1.	Kaitha	85	Ramgarh	Ramgarh

1	2	3	4	5
2.	Pochra	80	Ramgarh	Ramgarh
3.	Argda	137	Ramgarh	Ramgarh
4.	Hesla	138	Ramgarh	Ramgarh
5.	Routa	146	Mandu	Ramgarh

[No. S-38013/34/2009-S S-I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2316.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध बिहार राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	राजस्व ग्राम का नाम	राजस्व थाना सं.	केन्द्र	जिला
1	2	3	4	5
1.	भदेर	281	कहलगांव	भागलपुर
2.	महेशामुण्डा	275	कहलगांव	भागलपुर
3.	शोभनाथपुर	301	कहलगांव	भागलपुर
4.	ओगरी	277	कहलगांव	भागलपुर
5.	एकचारी	377	कहलगांव	भागलपुर
6.	आलमपुर	279	कहलगांव	भागलपुर
7.	भोलसर	379	कहलगांव	भागलपुर
8.	भलुआ	318	कहलगांव	भागलपुर
9.	जगरनाथपुर मिलिक	340	कहलगांव	भागलपुर
10.	पदमपुर	260	कहलगांव	भागलपुर
11.	लालापुर	284	कहलगांव	भागलपुर
12.	शामपुर	265	कहलगांव	भागलपुर

[सं. एस-38013/35/2009-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2316.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections

77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Bihar namely :

Sl. No.	Name of Revenue Village	Revenue Thana No.	Centre	District
1	2	3	4	5
1.	Bhader	281	Kahalgaon	Bhagalpur
2.	Mahesamunda	275	Kahalgaon	Bhagalpur
3.	Shobhnathpur	301	Kahalgaon	Bhagalpur
4.	Ogri	277	Kahalgaon	Bhagalpur
5.	Ekchari	377	Kahalgaon	Bhagalpur
6.	Alampur	279	Kahalgaon	Bhagalpur
7.	Bholasar	379	Kahalgaon	Bhagalpur
8.	Bhalua	318	Kahalgaon	Bhagalpur
9.	Jagarnathpur Milik	340	Kahalgaon	Bhagalpur
10.	Padampur	260	Kahalgaon	Bhagalpur
11.	Lalapur	284	Kahalgaon	Bhagalpur
12.	Shampur	265	Kahalgaon	Bhagalpur

[No. S-38013/35/2009-S S-I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2317.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध पंजाब राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	ग्राम का नाम	हदबस्त सं.	तहसील	जिला
1	2	3	4	5
1.	मलकपुर	133	सरहिन्द	फतेहगढ़ साहिब
2.	नबीपुर	149	सरहिन्द	फतेहगढ़ साहिब
3.	चनालो	128	सरहिन्द	फतेहगढ़ साहिब
4.	झण्डूसिंधा	165	जालन्धर	जालन्धर
5.	रामनगर	257	राजपुरा	पटियाला

[सं. एस-38013/36/2009-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2317.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Village	Had-bast No.	Tehsil	District
1	2	3	4	5
1.	Malakpur	133	Sirhind	Fatehgarh Sahib
2.	Nabipur	149	Sirhind	Fatehgarh Sahib
3.	Chanalo	128	Sirhind	Fatehgarh Sahib
4.	Zandu Singha	165	Jalandhar	Jalandhar
5.	Ram Nagar	257	Rajpura	Patiala

[No. S-38013/36/2009-S S-I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2318.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“आन्ध्र प्रदेश में रंगारेड्डी जिले के शमशाबाद में स्थित हैदराबाद अंतर्राष्ट्रीय हवाई अड्डे के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/38/2009-एस एस-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2318.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and

Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“The area covered by Hyderabad International Airport at Shamshabad of Rangareddy District of Andhra Pradesh.”

[No. S-38013/38/2009-S S-I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2319.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

क्र.	राजस्व ग्राम का नाम/नगरपालिका सीमाएं	होबली	तालुक	जिला
1	2	3	4	5
1.	मदकरिपुरा	कसबा	चित्रदुर्ग	चित्रदुर्ग

[सं. एस-38013/37/2009-एस.एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2319.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Revenue Village or Municipal Limits	Hobli	Taluk	District
1	2	3	4	5
1.	Madakaripura	Kasaba	Chitradurga	Chitradurga

[No. S-38013/37/2009-S S-I]

S. D. XAVIER, Under Secy.